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THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume V, 1934

(16th April to 21st April, 1934)

SEVENTH SESSION

OF THE

**FOURTH LEGISLATIVE ASSEMBLY,
1934**



NEW DELHI
GOVERNMENT OF INDIA
1934



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Deputy President:

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Panel of Chairmen:

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MR. K. C. NEOGY, M.L.A.

SIR LESLIE HUDSON, KT., M.L.A.

MR. N. M. JOSHI, M.L.A.

Secretary:

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary:

RAI BAHADUR D. DUTT.

Marshal:

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Public Petitions:

MR. ABDUL MATIN CHAUDHURY, M.L.A., Chairman.

MR. K. C. NEOGY, M.L.A.

SIR HARI SINGH GOUR, KT., M.L.A.

MR. T. R. PHOOKUN, M.L.A.

MR. MUHAMMAD YAMIN KHAN, C.I.E., M.L.A.

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CORRIGENDA.

In the Legislative Assembly Debates, Delhi Session, 1934,—

(1) Vol. I, No. 1, dated the 24th January, 1934—

(i) page 33 in the Statement against G. S. Branch, under 1932-33, for "3,522" read "33,522".

(ii) page 86, line 21, insert the word "clear" between the words "quite" and "that".

(2) Vol. I, No. 4, dated the 29th January, 1934, page 254, line 6 from the bottom, for "exceedings" read "exceeding".

(3) Vol. I, No. 5, dated the 30th January, 1934, page 301, line 21, for "Kayarthagram" read "Kayasthagram".

(4) Vol. I, No. 7, dated the 1st February, 1934, page 434, line 21 from the bottom, (i) for "Jan-baner" read "Jaubaner"; and (ii) for "bardhavajer" read "Bardhak-ger".

(5) Vol. I, No. 8, dated the 5th February, 1934, page 477, in the answer to part (d) of unstarred question No. 21, for "Rs. 7½ lakhs" read "Rs. 7¼ lakhs".

(6) Vol. I, No. 10, dated the 7th February, 1934, page 617, line 25, for "biassed" read "biased".

(7) Vol. I, No. 13, dated the 14th February, 1934, page 833, line 18 from the bottom, for "of raising" read "to raise".

(8) Vol. I, No. 15, dated the 16th February, 1934, page 933, line 27, for "if India" read "of India".

(9) Vol. III, No. 2, dated the 13th March, 1934, at the top of page 2113, for "Statements laid on the table" read "Sugar (Excise Duty) Bill".

(10) Vol. III, No. 3, dated the 14th March, 1934, page 2208, line 12, for "here and here," read "here and there".

(11) Vol. III, No. 6, dated the 17th March, 1934, page 2416, line 29, for "of criticising" read "from criticising".

(12) Vol. III, No. 7, dated the 19th March, 1934, page 2484, line 10 from the bottom, for "15,000 from 11,656" read "11,656 from 15,000".

(13) Vol. IV, No. 1, dated the 2nd April, 1934, page 3056, line 11, for "from had" read "from bad".

(14) Vol. IV, No. 2, dated the 3rd April, 1934,—

(i) page 3111, line 22, for "reply to unstarred question No. 229" read "reply to part (b) of unstarred question No. 229", and in line 26, for "229" read "229 (b)".

(ii) page 3117, line 9, for "mationalise" read "nationalise".

(15) Vol. IV, No. 8, dated the 10th April, 1934, page 3518, line 17 from the bottom, for "and nor for" read "and not for".

(16) Vol. IV, No. 11, dated the 14th April, 1934, page 3725, —
In the information laid on the table by Mr. G. R. F. Tottenham,

(a) For (i) substitute "First question",
For (ii) substitute "Second question",

For (iii) and (iv) substitute "Third and Fourth questions", and

- (b) In the second line of clauses (iii) and (iv), for the word "cases" read "case".
- (17) Vol. V, No. 1, dated the 16th April, 1934,—
- (i) page 3873, line 17, for "have I had the" read "have I the".
- (ii) page 3892, line 14 from the bottom, for "to know it" read "to knock it".
- (18) Vol. V, No. 3, dated the 18th April, 1934,—
- (i) page 4052, line 18 from the bottom, for "viliagers" read "villagers".
- (ii) page 4069, in the Division List under NOES, for "Grahman, Sir Lancelot" read "Graham, Sir Lancelot".
- (iii) page 4091, last line, for "the export points" read "the expert points".
- (19) Vol. V, No. 4, dated the 19th April, 1934, page 4174, line 2, for "through" read "though".
- (20) Vol. V, No. 6, dated the 21st April, 1934, page 4269, lines 14 and 15, for the words and figures "starred question No. 112" read "starred question No. 1112".

Monday, 16th April, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

Mr. Kenneth Grant Mitchell, C.I.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

RETRENCHMENTS DUE TO CONSISTENTLY UNSATISFACTORY WORK.

721 ***Bhai Parma Nand:** (a) Will Government please state whether it is a fact that men are being retrenched for consistently unsatisfactory work under the retrenchment scheme?

(b) Will Government please state what is the criterion for judging the nature of "Consistently unsatisfactory work"?

(c) Will Government please state whether it is a fact that under the rules, all adverse remarks in a character sheet or roll of an official, are to be communicated to him and no action affecting his interest is taken unless such remarks are communicated to him? If so, will Government please state whether this principle is strictly being adhered to in making retrenchment? If not, why not?

(d) Will Government please state whether it is a fact that under the rules no official is eligible to draw usual increment unless his work is considered satisfactory during the previous years?

(e) Will Government please state whether it is a fact that under the rules no official is eligible to cross the efficiency bars unless his work has been satisfactory in the past?

(f) If the replies to parts (d) and (e) are in the affirmative, will Government please state whether officials drawing usual annual increments and crossing efficiency bars have been retrenched on account of "Consistently unsatisfactory work"? If so, why?

The Honourable Sir Harry Haig: (a) and (b). The retrenchment orders laid down certain rules to guide Departments in selecting individuals for discharge. One of the categories was that of officers whose work is considered to be so consistently unsatisfactory that to retain them on the cadre, while others are discharged from it, would be unjustifiable. It is not possible to lay down any definite criterion for carrying out such an instruction. It must be left to the Department concerned to decide which officers come within this category.

(c) Usually adverse remarks against an officer are communicated to him, but there is no rule making this obligatory in all cases.

(d) and (e). I would refer the Honourable Member to Rules 24 and 25 of the Fundamental Rules.

(f) I would invite attention to my reply to parts (a) and (b) of this question.

Bhai Parma Nand: May I ask the Honourable Member, when a man has got 18 increments out of 20 and two remaining increments are to be earned by him during the rest of his service, can he be retrenched on account of constant inefficiency?

The Honourable Sir Harry Haig: The effect of my answer was that we cannot lay down any general rules for determining inefficiency. That is a matter of judgment which has to be left to the Department concerned.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there is no rule for communicating to the man concerned the adverse remarks against him? Otherwise, how can he defend himself?

The Honourable Sir Harry Haig: The practice varies, but discretion is always left to the head of the Department. In some cases, it is felt that the communication of adverse remarks might lead to improvement, and in others it would not.

Mr. Lalchand Navalrai: In such cases, what is the remedy for the man? He is being dubbed as inefficient without his knowledge and without giving him an opportunity to explain himself.

The Honourable Sir Harry Haig: If there is any question of taking disciplinary action against him, definite charges are always drawn up.

Mr. S. C. Mitra: Is it not a fact that the person concerned should know of any adverse remarks that are passed against him; otherwise how can Government expect him to improve his conduct?

The Honourable Sir Harry Haig: As I have said, the usual practice is that in the case of what are considered as remediable defects communication is made.

Mr. M. Maswood Ahmad: Is it not a fact that when an official crosses the efficiency bar, it means that he is an efficient officer?

The Honourable Sir Harry Haig: It means that at the time the head of the Department considers that he is fit to cross the efficiency bar.

Mr. M. Maswood Ahmad: And is it not a fact that the officer who draws all the usual increments cannot be treated as a consistently unsatisfactory officer?

The Honourable Sir Harry Haig: As I have said, it is not possible to lay down any general rule for the purpose of interpreting this phrase, "consistently unsatisfactory service".

Mr. S. C. Mitra: Are not Government aware that, during these two years, there have been numerous cases where persons have been retrenched on this lame excuse of being inefficient, while there had been no adverse remarks against them to their knowledge, in their service books?

The Honourable Sir Harry Haig: I am not personally aware of such cases, and if there are cases which Honourable Members wish to draw attention to, I would suggest that the question should be directed to the Department concerned.

Dr. Ziauddin Ahmad: It has been repeatedly said on the floor of this House that officers used this method of retrenchment in cases where they could not prove the charges against the servant concerned.

The Honourable Sir Harry Haig: No, Sir. The principle, I think, is laid down clearly in the general answer I had given, namely, that it was considered that one of the categories of officers to be retrenched should be those whose work was considered to be so consistently unsatisfactory that to retain them on the cadre, while others were discharged from it, would be unjustifiable. I am afraid I cannot, as a general rule, amplify that.

EXPORT OF SANTONIN FROM INDIA TO JAPAN.

722. *Sardar Sant Singh: (a) Will Government be pleased to state whether any quantity of santonin is exported from India to Japan? If so, what is the quantity exported from 1929 to 1933?

(b) If the answer to part (a) be in the affirmative, was such export made direct to Japan or through London Agents?

The Honourable Sir Joseph Bhore: With your permission, Sir, I will reply to questions Nos. 722 and 723 together. Exports of santonin are not shown separately in the Sea-borne Trade Accounts of British India. As a result of inquiries made, it appears that the export of santonin is confined to Karachi where certain shipping bills show the following exports of santonin seeds:

	Cwt.	Rs.
1931-32	135	3,390
1932-33 . . . . .	..	..
1933-34	28	1,050

There, exports were all to Japan direct.

EXPORT OF SANTONIN FROM INDIA TO FOREIGN COUNTRIES.

†723. *Sardar Sant Singh: Will Government be pleased to state the total exports of santonin from India to foreign countries from 1929 to 1933?

PRODUCTION OF SANTONIN IN INDIA.

724. *Sardar Sant Singh: Is it a fact that santonin is produced in large quantities in India? If so, where?

† For answer to this question, see answer to question No. 722.

Mr. G. S. Bajpai: So far as Government are aware, santolin is manufactured in India only by the Kashmir Pharmaceutical Works at Bara-mulla. The annual production is said to be about 2,250 lbs.

PROMOTION OF RAILWAY EMPLOYEES SUBJECT TO THE PASSING OF THE WALTON TRAINING SCHOOL EXAMINATION.

725. *Mr. Lalchand Navalrai: (a) Will Government be pleased to state if there is a rule that if the Railway employees who are sent for training to the Walton Training School do not succeed in passing the required examination, they will be debarred from promotion?

(b) If so, when was that rule made and is it still in existence?

(c) If there is no such rule, what are the orders of the Railway Board or the Agent in connection therewith?

(d) If such a rule exists, is it enforced? If so, is it a fact that certain Railway employees in the Karachi Division, who did not succeed at their examination in the Walton School, have been promoted and made permanent in the cadre of Senior Assistant Station Masters and Traffic Inspectors, superseding those who are qualified and who passed such examination? If so, why has the rule been violated?

(e) What action does the Agent, North Western Railway, propose to take in the matter?

Mr. P. R. Rau: I have called for information and will lay a reply on the table of the House, in due course.

PROMOTION OF TELEGRAPHISTS AS TELEGRAPH MASTERS.

726. *Mr. K. P. Thampan: (a) Will Government be pleased to state whether it is a fact that a telegraphist on passing the examination for Telegraph Mastership is certified by the highest Traffic officer and the highest Engineering officer of the Telegraph Department to possess sufficient general, traffic and technical knowledge required for promotion to Telegraph Mastership and is granted a certificate of proficiency?

(b) If the answer to part (a) be in the affirmative, why has such a qualified telegraphist to pass another efficiency bar and complete 15 years' service before his seniority for promotion to Telegraph Mastership could be determined?

(c) Has the Varma Committee, which thoroughly investigated into these matters, remarked in its report that the result of such complicated rules is that younger and more intelligent men do not benefit by passing the examination earlier?

(d) What is the idea of imposing this 15 years standard for fixing seniority?

(e) Is such a standard imposed for fixing seniority for the appointment of Electrical Supervisors, Engineering Supervisors, Baudot Supervisors, Inspectors of Post offices, Head clerks to Superintendents of Post offices or any other appointment of Posts and Telegraph Department?

(f) Is such a standard imposed in any other Department of the Government of India in respect of promotions by examination?

(g) What are the principles followed in British Post offices for fixing seniority in such cases?

(h) What is the difference between proficiency mentioned in part (a) and efficiency mentioned in part (b)?

(i) Is it a fact that an efficiency bar is placed after ten years' service in case of station service telegraphists and after 15 years service in case of General Service telegraphists? If so, why?

The Honourable Sir Frank Noyce: (a) Yes.

• (b), (d), (f) and (h). The attention of the Honourable Member is invited to the first part of the reply given by Sir Thomas Ryan on the 1st April, 1933, to starred question No. 1085 by Pandit Satyendra Nath Sen.

(c) Yes.

(e) No.

(g) Government have no information.

(i) Yes. The efficiency bar has been placed in each case according to the recommendations of the Telegraph Committee, 1920, on which the staff were represented.

Mr. K. P. Thampan: Arising out of the answer to part (c) with reference to the report of the Varma Committee, are Government thinking of revising the present rules?

The Honourable Sir Frank Noyce: The Government have not yet received the report of the Varma Committee, and so I am unable to answer my Honourable friend's question.

PROMOTION OF TELEGRAPHISTS AS TELEGRAPH MASTERS.

727. ***Mr. K. P. Thampan:** (a) Will Government be pleased to state what average length of service is required of a telegraphist before he could expect a promotion to the Telegraph Mastership under present conditions of the Telegraph Department?

(b) What was this average in 1920?

(c) What will this average approximately be in 1935, when the proposed retrenchments are carried out in full?

(d) Do the telegraphists recruited from postal signallers, having four or more years of postal service, stand any chance of promotion to Telegraph Mastership under present conditions of the Department?

(e) Will it involve any extra expenditure to Government if the past service of a postal recruited telegraphist, rendered as postal signaller, be counted as qualifying service only for seniority in respect of promotions to Telegraph Mastership?

(f) Do Government propose to afford some facilities, without incurring any extra expenditure, only to those men who may try to partly make up their own loss through their own efforts and merits? If so, how? If not, why not?

The Honourable Sir Frank Noyce: (a) Promotions to the grade of Telegraph Master were last made in the year 1931, and the average length of service of the men then promoted was approximately 24 and a half years.

(b) 24 years.

(c) Government regret that they are unable to furnish the information which can be calculated only when promotions have actually been made.

(d) and (e) Government regret that they are unable to express an opinion on a hypothetical question.

(f) The Honourable Member is referred to the reply given to part (c) of Mr. D. K. Lahiri Chaudhury's starred question No. 422 in this House on the 9th March, 1934.

Mr. K. P. Thampan: Have Government any objection to treating two years of service in the Postal Department as equal to one year of service in the Telegraph Department for the purpose of determining seniority?

The Honourable Sir Frank Noyce: The question of postal signallers and their position in the Telegraph Department has been reviewed by Government from time to time, and I have nothing to add to the reply given to Mr. D. K. Lahiri Chaudhury's starred question to which I have referred.

Mr. S. C. Mitra: Arising out of the answer to part (a) of the question, am I correct in assuming that it requires 24 years for the next promotion in the case of these officers?

The Honourable Sir Frank Noyce: My answer to part (a) of this question was:

"Promotions to the grade of Telegraph Master were last made in the year 1931 and the average length of service of the men then promoted was approximately 24 and a half year."

Mr. S. C. Mitra: If it takes 24 years to get any promotion, will Government consider the desirability of revising such rules which require 24 years to get the next promotion?

The Honourable Sir Frank Noyce: The only inference to be drawn from my reply is that, on the last occasion on which promotions to this grade were made, the men promoted had 24½ years' service. Whether that will happen on the next occasion, I am unable to say, but I may inform my Honourable friend that this question was, I am told by the Financial Adviser to the Posts and Telegraphs Department who was President of the Reorganisation Committee, gone into by that Committee. I trust that before the next Session I shall be in a position to give my Honourable friend fuller information on the subject.

Mr. M. Maswood Ahmad: Is it a fact that the same average length of service is required for promotion from the post of telegraphist to telegraph mastership?

The Honourable Sir Frank Noyce: I do not think there is any question of an average length of service being required. The question was what is the average length of service of the men who were last promoted. As I have already said, it does not follow that on the next occasion the average length of service will be exactly the same. Again, as I have already said, I am not in a position to answer these technical questions

offhand, but I trust that if the Honourable Member puts down questions next Session, I shall be able to give him and other Members of the House fuller information than I am able to give at this moment.

Mr. K. P. Thampan: I am grateful to the Honourable Member for the kind reply that he gave now, but may I request him to consider the desirability of sending these people to the office of the Postmasters-General in the Provinces if there are no vacancies in the grade of telegraph masters?

The Honourable Sir Frank Noyce: I would ask my Honourable friend to put down a question on that subject. Then the suggestion will be considered.

Mr. Lalchand Navalrai: Will the Honourable Member please tell me if it is not a fact that these signallers, who were transferred from the Postal side to the Telegraph side, had graded promotion and on the other side the telegraphists have got time-scales?

The Honourable Sir Frank Noyce: I am not in a position to answer my Honourable friend's question, and I can only repeat that the position of these postal signallers, who were transferred to the Telegraph Department, has been reviewed by Government from time to time, and that those who considered that they had any grievance were given two opportunities of going back to the Postal Department. Presumably the men who did not avail themselves of these opportunities were content to stay where they were.

Mr. Lalchand Navalrai: Is it not a fact that these men now as they are on the telegraph side are up to the higher grade of telegraph masters after 27 years of service?

The Honourable Sir Frank Noyce: I must ask for notice of that question.

EDUCATION OF THE BLIND AND DEAF MUTES IN THE CENTRALLY ADMINISTERED AREAS.

728. ***Haji Chaudhury Muhammad Ismail Khan:** (a) Will Government be pleased to state the numbers of the blind and deaf mutes, respectively, in the centrally administered areas?

(b) Do Government recognise the need for the education of defective children? If so, what steps have they taken to provide educational facilities for them?

(c) Are Government now prepared to open educational institutions at the headquarters of each area? If not, are Government prepared to encourage the existing private institutions by giving them sufficient grants-in-aid on the lines of that given to the Deaf and Dumb School at Calcutta?

Mr. G. S. Bajpai: (a) The information required is laid on the table.

(b) and (c). Yes. There are in British India 16 schools for deaf mutes and a similar number for the blind. The enrolment is only 724 and 607,

respectively. This is probably due to the reluctance of parents to part with their children. It is, therefore, doubtful whether multiplication of such institutions would be justified. Moreover, very expert and experienced teaching in these schools is essential and the inadequate supply of such teachers makes concentration of effort necessary. The Government of India are prepared to consider applications for assisting pupils from the centrally administered areas to attend these schools elsewhere; and also the award of grants to privately managed institutions in centrally administered areas provided that the arrangements are satisfactory.

Statement showing the number of the blind and deaf mutes in the centrally administered areas.

Name of the Administration.	Blind.	Deaf-mutes.
Ajmer-Merwara	2,162	410
Andaman and Nicobar Islands.	9	8
Baluchistan	781	278
Delhi	656	148
Coorg	100	101

Mr. K. C. Neogy: Is the Honourable Member aware of the existence of a private institution in Delhi which ministers to the educational needs of the deaf mutes?

Mr. G. S. Bajpai: I gather that there is such a private institution.

Mr. K. C. Neogy: Is it not part of the duties of the Educational Officer for the Centrally Administered Areas to keep himself informed about the activities of such an institution?

Mr. G. S. Bajpai: Yes, I take it that the Superintendent of Education for Delhi and Ajmer-Merwara does attend to the activities of this institution. Only so far as I am aware, no direct appeal has been made to the Government of India for assistance.

Mr. Gaya Prasad Singh: Delhi being a Centrally Administered Area, do Government possess any statistics as to the number of deaf mutes within the precincts of this House?

Mr. G. S. Bajpai: I have already said in reply to the first part that I am laying a statement on the table.

Mr. Gaya Prasad Singh: My question was whether Government possess any statistics of the number of deaf mutes within the precincts of this Chamber? (Laughter.)

Mr. G. S. Bajpai: My friend is speaking metaphorically. I am not in a position to answer that.

Mr. B. Das: Is it not part of the duties of the Educational Commissioner of Ajmer-Merwara to find out himself and recommend to the Honourable Member that such and such a deaf mute institution requires help from the Government?

Mr. G. S. Bajpai: As my Honourable friend is aware, there is a certain sum of money within the budget of the Chief Commissioner to make grants-in-aid. It is only if his resources are not equal to the requirements that an appeal need be made to the Governor General in Council.

Mr. S. O. Mitra: If a properly conducted institution applies to the Government for assistance, will Government give consideration to their case?

Mr. G. S. Bajpai: That is what I have said in reply to the question.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

729. *Pandit Satyendra Nath Sen: (a) With reference to the answer given to my starred question No. 605, dated the 4th April, 1934, will Government please state if it is a fact that most of the old contractors in Dinapur Division of the East Indian Railway are ex-Railway employees?

(b) Was any policy laid down by the Railway authorities as early as 1919, that in view of the discontinuation of granting extension of service after the age of fifty-five, vending contracts should be given to ex-Railway employees for their maintenance? If so, what is the reason for a departure from that policy?

(c) Were there any charges against these contractors? If so, what? Were they given any warning?

(d) Did the Railway authorities call for any tender?

(e) Is it a fact that the present contractors are prepared to pay the same rate as offered by the new contractors?

(f) Is it a fact that all the old contractors are residents of Behar and that the new contractors are outsiders?

(g) Is it a fact that special passes—First class, Inter class and Third class—are to be granted to the new contractors?

(h) Is it a fact that one of the new parties, Messrs. Ballavdas Esardas, under the name of Jyoti Pershad Daulat Ram, were contractors on the Bengal Nagpur Railway some time ago? Is it also a fact that they have lost that contract? If so, why?

(i) Is it a fact that they were already in possession of the contract for the Indian Refreshment Room which is chiefly utilised by upper class passengers?

(j) Are Government aware that, in view of the representations made by the old contractors, the new contractors have been asked by the Divisional Superintendent to sublet their contract to as many of the old contractors as is conveniently possible?

(k) Is it not a fact that a circular was issued some time ago that to sublet contracts would be regarded as an offence? If so, why has a departure been made now?

(l) Are Government aware that the old contractors submitted their first representation to the Chief Commissioner of Railways, on the 5th

March, 1984, and a detailed representation on the 12th March, and that copies of the same were sent to the Agent and the Divisional Superintendent?

(m) Will Government please state:

- (i) the exact date or dates on which the new contracts were completed;
- (ii) the terms of the contracts; and
- (iii) why the Divisional Superintendent did not wait for instructions from higher authorities?

(n) Is it the usual practice that the Divisional Superintendent goes against the recommendations of the Local Advisory Committee without consulting the higher authorities?

Mr. P. R. Rau: I am making enquiries from the Agent, East Indian Railway, and shall place a reply on the table in due course.

Mr. M. Maswood Ahmad: Is it a fact that a question of this kind was asked and Government had inquired from the Agent in this connection and they promised to lay down the information in due course? Have they received any reply from the Agent in that connection?

Mr. P. R. Rau: Not yet.

Mr. M. Maswood Ahmad: Will that reply and the reply to this question be laid on the table of the House this Session?

Mr. P. R. Rau: I am unable to say at the moment.

Pandit Satyendra Nath Sen: My question has been practically asked by Mr. Maswood Ahmad. The case of the vendors has been before the Railway Department for the last five or six weeks. If the inquiries are not yet finished, what is the remedy in such cases?

Mr. P. R. Rau: I must say that I am surprised that the Honourable Member, who has asked this detailed questionnaire, should expect a reply within ten days!

Mr. Lalchand Navalrai: How much time is ordinarily required for getting a reply from the Agent?

Mr. P. R. Rau: It depends on the question.

Dr. Ziauddin Ahmad: As regards part (a), that does not require any information from the Agent. That can be answered straight off.

Mr. P. R. Rau: There is no use in answering part (a) of the question by itself.

TRAVELLING ALLOWANCE AND ADVANCE OF PAY TO THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

730. ***Pandit Satyendra Nath Sen:** (a) Is it a fact that the date of the closing of the Government of India Secretariat has been fixed as 26th April, 1984?

(b) Is it a fact that Government have ordered that no travelling allowance and advance of pay will be allowed earlier than 15 days before the date of the closing of the Departments? If so, are Government aware that the staff of the moving Departments cannot get their travelling allowance and advance of pay before the 10th April, 1934?

(c) Are Government aware that the men staying up to the end of April practically do not get any advance originally contemplated in the Simla Allowances Code for helping the staff for breaking up their homes in Delhi and for clearing all their dues before they leave?

• (d) Do Government propose to amend the order, and sanction the grant of travelling allowances and advance of pay on the 1st April and the 15th September, every year irrespective of the dates of the moves? If not, will Government be pleased to state the reasons for denying this concession to the staff?

The Honourable Sir George Schuster: (a) Yes.

(b) The order is that advances should not be disbursed earlier than fifteen days before the official date for re-opening offices at New Delhi or Simla.

(c) and (d). Government do not propose to amend the order as they see no reason to believe that it is causing serious hardship or inconvenience to the staff concerned.

DELAY IN THE ALLOTMENT OF QUARTERS IN NEW DELHI FOR THE NEXT WINTER SEASON.

731. ***Pandit Satyendra Nath Sen:** (a) Is it a fact that the Government of India asked for the requirements of Delhi accommodation for the next winter before the 15th December last?

(b) Is it a fact that though the Departments sent their requirements before the 15th December, no allotment has as yet been made for the next winter?

(c) Will Government be pleased to state the reasons for obtaining the departmental requirements before the 15th December and for the delay in the allotment of the quarters?

(d) Are Government aware that if the allotments are made before the move, the staff not getting accommodation may arrange for private accommodation before they leave Delhi?

The Honourable Sir Frank Noyce: (a) The Honourable Member is presumably referring to the allotment of quarters in New Delhi to married officers whose emoluments are less than Rs. 600 per mensem. The date prescribed for the submission of applications for quarters is the 1st and not the 15th of December.

(b) No. The allotments have been communicated to Departments.

(c) The 1st of December was fixed as the date for the submission of applications in order to ensure that allotments might be made before the move to Simla. The allotments have actually been made before the move.

(d) Does not arise.

APPOINTMENT OF A REPRESENTATIVE OF THE LANCASHIRE COTTON COMMITTEE IN INDIA.

732. *Mr. M. Maswood Ahmad: (a) Are Government aware that one Mr. Fleming has been appointed as a representative of the Lancashire Cotton Committee in India?

(b) If the answer to part (a) be in the affirmative, will Government please state the nature of duties he will be required to perform?

Mr. G. S. Bajpai: (a) Yes.

(b) Mr. Fleming's functions are as follows:

- (1) to keep in touch with the cotton producing areas in India at times of sowing and picking,
- (2) to report to England as to cottons suitable for English consumption and available in sufficient quantities,
- (3) to deal with inquiries by firms in England about Indian cottons, and
- (4) generally to act as a liaison officer between the Indian and the Lancashire organisations with the object of encouraging the Lancashire off-take of Indian cotton and simultaneously of assisting Indian raw cotton interests to cater with growing effectiveness for the special needs of Lancashire.

Mr. M. Maswood Ahmad: Have they come officially or non-officially?

Mr. G. S. Bajpai: They have come, as far as I know, on behalf of their own organisation.

SHORT NOTICE QUESTIONS AND ANSWERS.

RELEASE OF CIVIL DISOBEDIENCE PRISONERS AND POLICY OF GOVERNMENT TOWARD MEETINGS OF THE INDIAN NATIONAL CONGRESS.

Mr. O. S. Ranga Iyer: (a) Have Government considered the advisability of taking immediate steps for the release of the civil disobedience prisoners after the ratification of Mahatma Gandhi's abandonment of civil disobedience by the Congress Working Committee? If so, are Government prepared to make a declaration of their policy in the matter?

(b) Are Government prepared to remove the ban on the Congress Working Committee to enable it to hold a meeting to consider the ratification of Mahatma Gandhi's decision?

Mr. President (The Honourable Sir Shanmukham Chetty): There is an allied question standing in the name of Mr. Lalchand Navalrai.

Mr. Lalchand Navalrai: (a) Has the attention of Government been drawn to the decision of Mahatma Gandhi, suspending individual civil resistance for Swaraj and leaving Council entry open to the desire of the Congress men?

(b) If so, do Government propose to review their attitude towards the Congress and revise their own policy behind the various notifications suppressing Congress activities? If not, why not? If so, how far do they propose to proceed in the matter?

(c) Do Government propose to declare the All-India Congress Committee a lawful body? If not, why not?

The Honourable Sir Harry Haig: With your permission, Sir, I shall reply to both these questions together.

●(1) The Government propose to raise no obstacle to a meeting of the All-India Congress Committee or, if the Congress leaders so prefer, of the Indian National Congress for the purpose of ratifying the statement of policy recently made by Mr. Gandhi and calling off civil disobedience.

(2) If such a meeting is held, and if Government are satisfied that as a result of the meeting civil disobedience has been called off, Government will certainly review their policy towards the various Congress organisations.

(3) With reference to the question of the release of prisoners who have been convicted for offences connected with civil disobedience, I would remind the House that I explained in August last that Local Governments have been releasing civil disobedience prisoners before the expiration of their sentences if they were satisfied that such releases were not likely to encourage the revival of civil disobedience. That is a policy which the Government intend to continue. If civil disobedience is called off effectively, the policy of release will naturally be expedited.

Mr. C. S. Ranga Iyer: I thought I missed the Honourable Member's answer to my question whether the Government are prepared to remove the ban on the Congress Working Committee?

The Honourable Sir Harry Haig: I must apologise to my Honourable friend, but since he drafted this question, the particular point about which he inquires does not seem to have come into practical prominence. If the idea is that the Congress Working Committee should be the body to call off civil disobedience, then Government will certainly be prepared to consider giving the necessary authorization for that purpose; but if, as seems more probable, all that is contemplated is that there should be an informal meeting of the members of the Congress Working Committee in order to consider the policy to be placed before the All-India Congress Committee, then no action on the part of Government is required.

Mr. Lalchand Navalrai: May I know whether the Honourable Member realises that the Working Committee must, first of all, be held in order to pave the way for calling the Congress or the All-India Congress Committee?

The Honourable Sir Harry Haig: Well, Sir, I think I have dealt with the point fully in my answer to Mr. Ranga Iyer.

Mr. C. S. Ranga Iyer: Is it not a fact that the ban exists on the Congress Working Committee?

The Honourable Sir Harry Haig: Formally it does, but I say that, as far as I can see, no occasion will arise for the formal removal of it.

UNSTARRED QUESTIONS AND ANSWERS.

REDUCTION OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

356. Sardar Sant Singh: (a) With reference to their reply to question No. 474, parts (a) and (b), dated the 4th September, 1933, will Government please state whether it is not a fact that Travelling Ticket Examiners were being considered as running staff up to 31st May, 1931, and if so, why the orders applicable to the running staff when appointed to stationary posts, permanently or temporarily, were not applied to them when they were transferred to the list of Special Ticket Examiners from the 1st June, 1931?

(b) Is it a fact that the Railway Board in their letter No. 1531/E/21, dated the 14th July, 1923, have laid down that the pay of the running staff when appointed to stationary posts should be fixed on pay *plus* 75 per cent. of the substantive pay representing average mileage allowance?

(c) Is it a fact that the above conditions had also been made applicable to the Travelling Ticket Examiners, as per Agent, North Western Railway's correction slip No. 5, dated the 8th October, 1929, to paragraph 5 (b), page 7, of his circular 1 of 1927, part c, wherein the Railway Board's letter No. 1531/E/21, dated the 14th July, 1923, has been promulgated? Will Government please state why these orders were not applied to the old Travelling Ticket Examiners who were considered as running staff prior to 1st June, 1931, and were appointed to so-called stationary posts of Special Ticket Examiners from the 1st June, 1931?

Mr. P. R. Rau (a), (b) and (c). The orders in the Railway Board's letter referred to are applicable only to running staff who are temporarily employed on other duties.

REDUCTION OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

357. Sardar Sant Singh: (a) With reference to their reply to part (d) of question No. 474, dated the 4th September, 1933, will Government place on the table, for the information of this House, a statement showing the total emoluments drawn by Messrs. Nazir Ahmad Khan, Bahadur Singh, Muhammad Hussain, Gurbachan Singh and Hargopal, old Travelling Ticket Examiners, from the 1st June, 1930, to the 31st May, 1931, for instance, for each month and the emoluments drawn by them inclusive of travelling allowance from the 1st June, 1931, to 31st May, 1932, to judge the extent of reduction in their emoluments by the withdrawal of mileage allowance?

(b) Are Government aware that the uniform rate of mileage allowance, *viz.*, Rs. 2 per 100 miles was being granted to all old Travelling Ticket Examiners whose pay ranged between Rs. 100 and Rs. 210? If so, will Government please state why different rates of consolidated travelling allowance have been sanctioned, *viz.*, Rs. 50 per mensem for those drawing Rs. 100 to Rs. 190 and Rs. 65 per mensem to those drawing Rs. 200 and over?

(c) Are Government aware that the rate of consolidated travelling allowance granted to Special Ticket Examiners in the grades Rs. 66—4—90 and Rs. 105—5—140 and Rs. 150—10—190 is in excess by Rs. 5 per mensem of the maximum travelling allowance in a month of 30 days, admissible under the ordinary travelling allowance rules, *viz.* :

Grades.	Maximum Travelling Allowance.	Consolidated Travelling Allowance.
(i) 66—4—90	30	35
(ii) 105—5—140	45	50
(iii) 150—10—190	45	50
(iv) 200—10—250	75	65

(d) If so, will Government please state why in the case of Special Ticket Examiners on Rs. 200 and above, they have sanctioned consolidated travelling allowance of Rs. 65 which is Rs. 10 below the maximum travelling allowance in a month of 30 days?

Mr. P. R. Rau: (a) Government consider that the labour involved in collecting this information will not be justified by the result.

(b), (c) and (d). The rates of consolidated travelling allowance fixed for Special Ticket Examiners were decided on after careful consideration of all the circumstances of the case and Government are not prepared to revise them.

CONTEMPLATED CUT IN THE CONSOLIDATED TRAVELLING ALLOWANCE OF TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

358. **Sardar Sant Singh:** (a) Are Government aware that the Agent, North Western Railway, is contemplating cutting down the consolidated travelling allowance of Travelling Ticket Examiners sanctioned by the Governor General of India in Council as *ex gratia* measure from December 1932, by a cut of 12½ per cent., and has issued instructions to the Divisional Superintendents of the North Western Railway?

(b) Will Government please state whether they approve of this action of the Agent, North Western Railway, and if so, on what grounds?

(c) Will Government please state what the nature and purport is of this 12½ per cent. contemplated cut and whether it applies to all travelling allowances or travelling allowance of the Special Ticket Examiners only which has been only recently sanctioned?

(d) Will Government please state whether the Railway Board have issued any instructions to the Agent, North Western Railway to this effect, and if so, whether before or after the sanction of the consolidated travelling allowance by the Governor General of India in Council? If before, are those instructions applicable in the case of subsequent orders of Government?

(e) If the Railway Board's instructions were issued after the issue of the aforesaid orders of the Governor General of India in Council, will Government please state whether the Railway Board can over-ride or modify the orders of the Governor General of India in Council?

Mr. P. R. Rau: (a) I understand the Agent, North Western Railway, has not issued any instructions cutting the allowance. He has been making enquiries from the Divisional Superintendents whether the allowance in question was not subject to a cut before December, 1933, and if so, for what reason. This was in order to obtain the information desired by my Honourable friend in his question No. 185, asked in this House, on the 21st February, 1934.

(b) and (c). Do not arise.

(d) The Railway Board have issued no instructions as yet to the Agent, North Western Railway, on the subject.

(e) Does not arise.

NON-ADOPTION OF THE MODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

359. **Sardar Sant Singh:** (a) With reference to their reply to part (d) of question No. 475, dated the 4th September, 1933, will Government please state if it is a fact that on several divisions of the North Western Railway, for instance Quetta, Mooltan and Ferozepur, the Special Ticket Examiners' groups consist of less than five men each? If so, why?

(b) Is it a fact that these groups of Special Ticket Examiners do not move in a body but work in batches of two each per train on some of the divisions and singly on the remaining of the divisions, for instance Multan, Quetta, etc.? If so, are Government aware that the actual working of Special Ticket Examiners is being arranged contrary to the reply given to question No. 475, part (d)? If so, why?

(c) Is it a fact (i) that the pay of the Group-in-charges of Special Ticket Examiners is fixed by the North Western Railway in the grade 105-5-140; and (ii) that there are several Special Ticket Examiners working as Group-in-charges who are not given this pay, for instance in Mooltan, Ferozepore, etc.? If so, why?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 359, 360 and 361 together.

The information has been called for from the Agent, North Western Railway, and will be placed on the table of the House, on receipt.

NON-ADOPTION OF THE MODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

†360. **Sardar Sant Singh:** (a) With reference to their reply to question No. 475, part (d), dated the 4th September, 1933, will Government please state if it is a fact that the Group-in-charges in several of the divisions, for instance Quetta, Multan, Ferozepore, etc., are given fixed programme with the change in rotation with the Special Ticket Examiners of their respective groups? If so, how do they supervise or check the work of their Special Ticket Examiners?

(b) Are Government aware that all the correspondence of the Special Ticket Examiners in each group, including submission of all returns to the Divisional offices or the Group Inspectors, passes through the Group-in-charges and they are not allowed any time for this extra work and are held

†For answer to this question, see answer to question No. 359.

responsible for the shortcoming of their Special Ticket Examiners? If so, will Government state whether the Group-in-charge is made to work precisely the same programme as his Special Ticket Examiners and without any extra remuneration or the sanctioned pay of the Group-in-charge, as for instance in the Ferozepore Division?

NON-ADOPTION OF THE MODY-WARD SCHEME OF TICKET CHECKING ON THE NORTH WESTERN RAILWAY.

†361. **Sardar Sant Singh:** (a) With reference to their reply to question No. 475, part (d), dated the 4th September, 1933, will Government please state whether the orders regarding detailing of a group of Special Ticket Examiners on each section of the division for three months only is intended to involve a change in their headquarter also? If so, will Government please state whether there is any other staff on the North Western Railway whose headquarter stations are changed after every three months? If not, why are such orders issued for the Special Ticket Examiners alone?

(b) Are Government aware that Special Ticket Examiners like all other persons have got to look to the education of their children, etc.? If so, are not Government aware that change of station after every three months involves great hardship to the Special Ticket Examiners?

(c) Are Government aware that the Special Ticket Examiners are not considered eligible for Railway quarters? If so, are not Government aware that changing their headquarters every three months involves their renting private houses for such short periods?

(d) Are Government aware that some of the divisional authorities order transfers of Special Ticket Examiners by telegram giving them three days' joining time within the division? If so, are Government aware that the three days' notice is too short for a man to settle his accounts, etc., at the place from where he is transferred?

(e) Are Government aware that it entails a pecuniary loss to the Special Ticket Examining staff concerned in the shape of payment of rent for the remaining days of the month, as the house proprietors would charge rent for the whole month in absence of a month's notice?

(f) Do Government propose to consider the desirability of issuing orders to the Agent, North Western Railway, to withdraw the orders regarding quarterly change of Special Ticket Examiners headquarters and to give a month's notice on transfer?

HOUSE RENT ALLOWANCE OF THE TRAVELLING TICKET EXAMINERS.

362. **Sardar Sant Singh:** (a) Are Government aware that house rent in lieu of free quarters was and is being paid to the ticket checking staff at stations?

(b) Was this allowance being withheld from the ticket checking staff on trains, designated as Travelling Ticket Examiners before the 1st August, 1928?

(c) Will Government please state on what grounds it was withheld?

(d) Are Government aware that since the withdrawal of mileage allowance from the 1st June, 1931, the house rent allowance is not being paid to the Special Ticket Examiners, transferred from Travelling Ticket

†For answer to this question, see answer to question No. 359.

Examiners' cadre and that it is being paid to the Special Ticket Examiners recruited from among the station staff?

(e) If so, will Government please state why the house rent allowance is not being paid to the Special Ticket Examiners of the old 'Travelling Ticket Examiners cadre from the time their mileage allowance was withdrawn?

(f) If there is any difference between the duties of both these sets of Special Ticket Examiners will Government please state the same?

(g) Are Government aware that withholding the house rent allowance after the withdrawal of mileage allowance is another hardship on the staff whose emoluments have been reduced so heavily?

Mr. P. R. Rau: I invite the Honourable Member's attention to the reply given to the very similar question No. 310, asked on the 14th December, 1933, by Shaikh Sadiq Hasan.

INSUFFICIENT EARNINGS DUE TO ILLICIT TRAVELLING ON THE NORTH-WESTERN RAILWAY.

363. Sardar Sant Singh: (a) With reference to their reply to question No. 1366, dated the 11th December, 1933, are Government aware that there are certain divisions of the North Western Railway, where the divisional authorities are taking up the matter of so-called insufficient earnings with the Special Ticket Examiners by circulating the results of each Special Ticket Examiner and insisting on their increasing the earnings so as to cover their pay and travelling allowance?

(b) Will Government please state whether this is in accord with their reply that the policy of the administration is to endeavour to prevent travelling without tickets and that the so-called earnings of the Special Ticket Examiners do not furnish true measure of their efficiency?

(c) Are Government aware that an insistence on the part of the Railway Officers that Special Ticket Examiners must make recoveries from travelling public to cover their pay and travelling allowance is calculated to lead to harassment of the public by the Special Ticket Examiners? If not, will Government be pleased to place on the table a copy of circular No. 1490/10, dated the 24th March, 1934, issued by the Divisional Transportation Officer, Ferozepore, for the information of this House?

Mr. P. R. Rau: Government have no information that on any divisions of the North Western Railway the divisional authorities are taking up the matter of so called insufficient earnings with the Special Ticket Examiners and insisting on their increasing the earnings so as to cover their pay and allowances. If the Honourable Member will give me specific information as to such instances I will ask the Agent for a report on the matter.

PROMOTIONS OF SPECIAL TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

364. Sardar Sant Singh: (a) Is a common seniority list of Special Ticket Examiners maintained on the North Western Railway in order that promotions to posts as they fall vacant may be filled by their senior employees instead of by promotion being confined to subordinates in any one particular division on which the vacancy occurs?

(b) Is it a rule that vacancies in any one division must be filled by employees in that division to the exclusion of other suitable employees working on other divisions?

(c) Is it true that senior men of grade II, 66—4—90, are working as Special Ticket Examiners in several divisions of the North Western Railway, whereas their juniors are promoted to work as Group-in-charge in Class III, 105—5—140 grade, in other divisions?

(d) Is it also a fact that Ticket Collectors whose substantive pay is Rs. 60 only are allowed to work as Group-in-charge in grade 105—5—140 while permanent old Special Ticket Examiners in receipt of substantive pay of Rs. 95 per mensem. are working as Special Ticket Examiners only, for instance:

Mr. Tara Chand getting Rs. 60 plus Rs. 70 is working as Group-in-charge while Mr. Payne getting Rs. 95 is working under him in Karachi division of the North Western Railway?

(e) Is it also a fact that Ticket Collectors in receipt of substantive pay of Rs. 48 and below having four or five years service at their credit are promoted to the Special Ticket Examiners grade II 66—4—90, and the claims of senior Ticket Collectors drawing Rs. 60 for years and years together and having more than 20 years service at their credit and qualified in Walton Training School of the North Western Railway are ignored?

(f) Is it a fact that all class promotions in the new Special Ticket Examiners scale are considered temporary, and will Government please state whether it is economical to promote a man from Rs. 60 to Rs. 105 and grant him an allowance of Rs. 45 per mensem as against promoting a man from 95 to Rs. 105 and grant him Rs. 10 only or promote a man from Rs. 45 to 66 and give him an allowance of Rs. 21 and to promote a ticket collector of Rs. 60 to Rs. 66 only? If not, are Government prepared to issue orders to the Agent, North Western Railway, to rectify all such inequalities wherever found?

Mr. P. R. Rau: Government have no information regarding the matters referred to in the question, but they are entirely within the competence of the Agent, North Western Railway, to decide and Government are not prepared to interfere.

APPEALS BY RAILWAY EMPLOYEES.

365. Sardar Sant Singh: Will Government please state whether it is an offence for a Railway employee to address a petition to his Divisional Superintendent by name by submitting it through the proper channel and forwarding a copy thereof direct to the Divisional Superintendent appealed to?

Mr. P. R. Rau: No. The Honourable Member's attention is invited to the reply to question No. 566 of Dr. Ziauddin Ahmad on the 26th March, 1934.

PROMOTION OF THIRD DIVISION CLERKS IN THE ARMY HEADQUARTERS.

366. Mr. Bhuput Sing: (a) Will Government kindly state whether clerks in the Army Headquarters qualified for third division. are required to pass a test for promotion to second division? Will they also kindly state the number of the clerks working in Army Headquarters who are only qualified for third division but have been confirmed in the second and first divisions

without passing the necessary test? If such confirmations have taken place, what is the reason therefor?

(b) Is it a fact that under the existing orders of the Public Service Commission those second division clerks are to be stopped at the efficiency bar of the second division and reverted to the third division? If so, how many men have since been stopped at the efficiency bar and reverted and how many have been allowed to continue in the second division contrary to these orders and why?

(c) Do Government propose to consider the case of the affected men for promotion to the second division in the first available vacancy in the Army Headquarters and refer all cases of these second division men to the Public Service Commission for scrutiny?

(d) Under 20 per cent concession for departmental promotions, how many third division qualified and confirmed clerks in the M.G.O. Branch have so far been promoted to the second division? If none, is it a fact that there will be no chance of promotion for third division men during their service?

(e) Will Government kindly state why orders that half of the vacancies in the second division should be given to the third division departmental men and half to the second division qualified men according to seniority, have been ignored in the M.G.O. Branch and why the officiating vacancies are not regulated accordingly, and solely given to junior qualified men invited from outside from time to time, depriving the third division men?

Mr. G. R. F. Tottenham: (a) to (e). The information is being obtained and will be laid on the table of the House, in due course.

STOPPAGE OF INCREMENTS OF CERTAIN CLERKS IN THE ACCOUNTS DEPARTMENT, EAST INDIAN RAILWAY.

367. Mr. Bhuput Sing: (a) With reference to the reply to my unstarred question No. 205, dated the 21st November, 1933, will Government please state the date and manner of the original fixation of pay of the clerks in the Accounts Department, East Indian Railway, mentioned in my above question?

(b) Will Government be pleased to state the reasons for which the fixation from 1st October, 1926, was later on considered to be incorrect?

(c) Is it a fact that some men other than those mentioned in the previous question were fitted into this new scale from 1st January, 1926, before its introduction?

(d) Is it a fact that some of the affected staff were confirmed in 1924, and that they duly executed an agreement with the late East Indian Railway Company and this confirmation was cancelled in 1933? If so, will Government be pleased to state under what rules this was done?

(e) Is it a fact that not only the increments of the clerks concerned were held up, but also their pay was reduced to Rs. 48 per month from 1st September, 1933, irrespective of the length of their services? If so, will Government be pleased to state the reasons for the issue of such an order, and who is responsible for its issue? Do Government propose to take any action for remedying the grievances? If not, why not?

(f) With reference to the reply to my unstarred question No. 205, dated the 21st November, 1933, will Government be pleased to state why another order has again been issued after the clerks under reference were once before fixed into the new scale as stated in reply to part (c) of the question referred to above?

(g) Is it a fact that the present order has been given effect to from 1st September, 1933, instead of from the dates of increments in individual cases? If so, will Government be pleased to state the reasons therefor? Are Government aware that the staff concerned has been subjected to monetary loss? If so, why?

(h) Is it a fact that the construction staff, though appointed against temporary cadre when brought on to the "Open Line", were allowed to count the whole service rendered by them for the purpose of fixation of pay into the new scale (Grade III)? If so, why was not the same privilege extended to the Open Line staff? Do Government propose to allow the same privilege to these men? If not, why not?

(i) Is it a fact that under Fundamental Rule 24 an officer is entitled to get his increment as a matter of course except in cases of misbehaviour or inefficiency? If so, will Government be pleased to state whether the grievances of the persons concerned were thoroughly gone into?

(j) Are Government prepared to verify from the service books of the affected staff how many of them have been deprived of their increments in their old scales of pay? Do Government propose to sanction their increments in their old scales now, and then fix them into the new scale in terms of Fundamental Rule 23? If not, why not?

Mr. P. R. Rau: (a) At this distance of time it is not possible to say exactly in respect of each of the clerks in question how his pay was originally fixed at the time of his original appointment. During the period 1st October, 1926, to 31st December, 1928, the Chief Accounts Officer, East Indian Railway, was himself competent to determine the number and rate of the temporary staff to be engaged within certain limits.

(b) The fixation of pay of the clerks on their original appointment was not held to be incorrect. The revision in 1932, by the Chief Accounts Officer with retrospective effect from 1st October, 1926, was incorrect as re-fixation was not within his competence.

(c) I am afraid I must ask the Honourable Member to put the question more clearly.

(d) I am informed that in one case the entry in the service book regarding confirmation was held to be incorrect and was subsequently put right.

(e) The Chief Accounts Officer fixed their pay from 1st September, 1933, at rates strictly admissible under rules. As stated in my reply to question No. 205 mentioned by the Honourable Member, orders have already been issued under which the pay has been refixed on a more favourable basis, according to which their pay is required to be regulated with reference to what they were drawing previous to being brought on the regular scale as from 1st January, 1929, with increments thereafter.

(f) I would refer to my reply to parts (b) and (c) above.

(g) I do not quite follow the question. I am informed the dates of their increments remain unaffected.

(h) The reply to the first part of the question is in the affirmative, but I may add that in each case the construction staff was fixed in the regular establishment on a much lower rate of pay than they were drawing before.

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In view of the reply given to part (e) of the question, the latter part of this clause does not arise.

(i) The reply to both questions is in the affirmative.

(j) As explained in my reply to clause (a) above, the number and pay of certain temporary staff was fixed from time to time within certain limits at the discretion of the Chief Accounts Officer. The question of the grant of any increments under F. R. 24 does not arise unless the posts were sanctioned on incremental scales. If there are any cases in which such scales were sanctioned by the Chief Accounts Officer for the temporary staff in question and increments in those scales were not allowed the staff concerned can make representations through the usual channel and these will receive most careful attention.

PAUCITY OF HINDU POSTMEN IN THE PESHAWAR SUB-DIVISION.

368. Seth Lilladhar Chaudhury: Is it not the declared policy of Government to prevent the preponderance of any single community in any cadre? If so, will Government please state the reasons for the disregard of this policy in respect of postmen and village postmen in Peshawar Sub Division? Is it a fact that only three posts out of eighty-six, are held by Hindus?

The Honourable Sir Frank Noyce: The policy is as stated by the Honourable Member, but I may point out that it does not contemplate any sudden change but only that, in making direct recruitment in future, the third vacancy should be reserved for the adjustment of communal inequalities if necessary. This policy was originally adopted in the Posts and Telegraphs Department in November, 1927, for application to the clerical cadre, but it has since been gradually made applicable also to other cadres in the Department.

Government have no precise information regarding the number of Hindus and non-Hindus in the present cadre of postmen and village postmen in the Peshawar Sub-Division but even if the communal composition be as stated by the Honourable Member, it does not necessarily mean that the policy as explained above has been disregarded, as has been assumed by him, since the present communal composition is the result of recruitment and promotions extending over a great many years.

POSTING OF A HINDU AS AN INFERIOR SERVANT IN THE OFFICE OF THE SUPERINTENDENT OF POST OFFICES, PESHAWAR DIVISION.

369. Seth Lilladhar Chaudhury: (a) Is it a fact that the Superintendent of Post Offices, Peshawar Division, who is a Muslim, has not employed any Hindu inferior servant in his office?

(b) Are Government aware that this has caused great inconvenience to the Hindu employees in the said office? If so, are Government prepared to post one Hindu to one of the posts?

The Honourable Sir Frank Noyce: (a) and (b). Government have no information. The matter is within the competence of the Postmaster-General, Punjab and North-West Frontier, to whom a copy of the question is being sent.

ALLEGED FICTITIOUS ENTRIES IN THE SAVINGS BANK PASS BOOKS BY THE SUB-POSTMASTER, OGHI IN ABBOTTABAD.

370. Seth Liladhar Chaudhury: (a) Is it a fact that Mr. Mohd. Ali Shah, Sub-Postmaster, Oghi (Abbottabad), made some fictitious entries in the Savings Bank Pass Books of his minor sons?

(b) Were the said entries in both the Pass Books challenged by Abbottabad Head Office on receipt of these Pass Books for entry of interest? If so, will Government please state if such cases come within the purview of crime, and whether they propose to take suitable action for the prosecution of the said individual?

The Honourable Sir Frank Noyce: (a) The fact is that the Sub-Postmaster Oghi (Abbottabad) inadvertently made some entries in the pass book relating to the Savings Bank account of one of his sons in the pass book relating to the Savings Bank account of his other son.

(b) The reply to the first part of the question is in the affirmative and o the remainder in the negative.

REVERSION OF CERTAIN POSTMEN AS PACKERS IN THE AMRITSAR POST OFFICE.

371. Seth Liladhar Chaudhury: (a) Is it a fact that the Postmaster, Amritsar, reverted Messrs. Harcharan Dass and Amar Nath as packers during the retrenchment of personnel, from the postmen's grade in contravention of the group orders regarding maintenance of communal proportion existing before and after retrenchment?

(b) If the reply to part (a) be in the affirmative, will Government kindly state the reasons for so heavily disturbing the communal proportion of Hindus?

The Honourable Sir Frank Noyce: (a) and (b). Information has been called for and a reply will be placed on the table of the House, in due course.

MISAPPROPRIATION BY THE SUB-POSTMASTER, HINDU SABHA COLLEGE SUB-POST OFFICE, AMRITSAR.

372. Seth Liladhar Chaudhury: (a) Is it a fact:

- (i) that the sub-postmaster, Hindu Sabha College Sub-Office at Amritsar, misappropriated a sum of Rs. 80, the value of a cash certificate issued by him on the 30th May, 1933;
- (ii) that no action was taken against the sub-postmaster by the then postmaster but he was allowed to hold charge of the Hindu Sabha College Sub-Office;
- (iii) that the Deputy Postmaster requested the succeeding postmaster, in the interest of service, to transfer the sub-postmaster from the charge of the office but the postmaster instead of doing the needful warned his deputy; and
- (iv) that over a dozen more complaints were received against the sub-postmaster for misappropriation of amounts from Savings Bank deposits, when he was prosecuted, convicted and sentenced to one and a half years' imprisonment?

(b) If the replies to parts (a) (i) to (iv) above, be in the affirmative, will Government kindly state what action they propose to take against the postmasters?

The Honourable Sir Frank Noyce: (a) and (b). Government have no information. The matter is within the competence of the Postmaster-General to whom a copy of the question is being sent.

STAFF IN THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DEPARTMENT.

373. Rai Bahadur Kunwar Raghubir Singh: (a) Is it a fact that the staff of the Imperial Council of Agricultural Research at the headquarters of the Government of India is composed of two sections, namely, the staff on the research side (paid from the funds of the Society) and the staff on the administration side (paid from the General Revenues)? If so, what are the functions of each class of staff?

(b) Is it a fact that all the staff on the research side at the headquarters is not employed on research work, and that most of the staff is doing clerical work in connection with the administration of the grant given for research work or schemes sanctioned by the Imperial Council of Agricultural Research?

(c) If the reply to part (b) is in the affirmative, will Government please state what functional difference there is between the staff on the administration side and the staff on the research side?

(d) Is it a fact that Government decided that the staff, establishment, etc., employed for the administration of the research grants given and the schemes sanctioned, by the Imperial Council of Agricultural Research should be in the same position as a Department of the Government of India Secretariat?

(e) Was it the intention that the ministerial staff, establishment, etc referred to above, would constitute the Imperial Council of Agricultural Research Department, and that it would all be paid from the Government Revenues just in the same way as the staff, establishment etc. in the other Departments of the Government of India Secretariat? Was it also the intention that there would be no other staff or establishment employed at the headquarters for the work referred to above except the staff and establishment paid from Government funds?

(f) If the reply to part (e) above, be in the affirmative, will Government please state whether the Imperial Council of Agricultural Research is competent to maintain any staff, establishment, etc., out of the funds of the Society at the headquarters for the work referred to above?

(g) If the staff on the research side has been maintained in connection with the administration of particular research schemes or sub-committees of the Imperial Council, will Government please state the other work for which they have maintained the staff on the administration side of the Imperial Council of Agricultural Research Department?

Mr. G. S. Bajpai: (a) and (b). Apart from the permanent staff which is paid from general revenues, some temporary staff, technical, ministerial and inferior, paid from research funds, is employed from time to time in connection with special committees, such as the Sugar, Locust, Dairying and other Committees, and research schemes.

(c) and (g). The permanent staff of the Imperial Council of Agricultural Research Department is meant for the regular day to day work connected with the meetings of the two wings of the Council, namely, the Advisory Board and the Governing Body, detailed administration of the grants for research schemes sanctioned by the Council, etc., while the additional temporary staff on the research side is engaged for the purposes mentioned in reply to parts (a) and (b) of the question.

(d) Yes.

(e) The answer to the first part of the question is in the affirmative. As regards the second part, please see reply to part (c) above. It was never intended that no temporary staff on the research side should be employed.

(f) The Governing Body of the Council is competent to sanction temporary staff.

STAFF IN THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DEPARTMENT.

374. Rai Bahadur Kunwar Raghubir Singh: (a) Is it a fact that the schemes sanctioned and the grants given by the Imperial Council of Agricultural Research are all of temporary nature, spread over a definite number of years?

(b) Is it a fact that this only results in the temporary increase in the work of administering the grants or schemes?

(c) Is it a fact that Government sanctioned in some past year the augmentation, as a permanent measure, of the staff and establishment of the Imperial Council of Agricultural Research Department?

(d) If the replies to parts (b) and (c) above, be in the affirmative, will Government please state what justification there is to increase the staff permanently?

(e) Will Government please state whether they have considered the question of sanctioning the extra staff at the headquarters as a temporary measure for such period only as that particular scheme or grant continues?

Mr. G. S. Bajpai: (a) Yes.

(b) As new schemes must keep coming up for consideration, there is a constant volume of work for which a permanent staff is required.

(c) Yes.

(d) The Honourable Member's attention is invited to the reply to part (b).

(e) The extra staff was not entertained to deal with any particular scheme sanctioned for a definite period. It was sanctioned to cope with the permanent increase in the work of the Department.

APPOINTMENT OF LILLOOAH APPRENTICES AS ELECTRICIANS AND TRAIN EXAMINERS.

375. Pandit Satyendra Nath Sen: (a) Are Government aware that the answer given in reply to the second part of starred question No. 1580(a) on the 5th December, 1932, relating to the appointment of Lillooah apprentices as Electricians and Train Examiners, is not correct

and that it is not a fact that the said Anglo-Indian passed in Technical school? Is it also a fact that he neither passed the Matriculation nor Junior Cambridge Examination?

(b) With reference to the statements made in reply to the starred question No. 1530(a) of the 5th December, 1932, and the unstarred questions Nos. 19 and 22(b) of the 5th September, 1932, are Government aware:

- (i) that the Anglo-Indian had no training even in one shop as required by Government [as stated in answer to starred question No. 631(a) of the 4th March, 1932], for the post of Train Examiner;
- (ii) that all the Indians of his batch obtained higher marks in the Technical School; and
- (iii) that many Indians of his batch had training in one or more shops as required by Government [as stated by Government in reply to starred question No. 631(a) of the 4th March, 1932] for the post of Train Examiner?

(c) Are Government aware that one European or Anglo-Indian ex-apprentice of Lillooah workshop, who completed his training on the 18th September, 1930, and who had passed in the second division and who had also no training even in one shop has been appointed as Train Examiner under the Chief Operating Superintendent, East Indian Railway, in Howrah Division, in August, 1933, and that the claims of many better qualified (in all respects) Indians of his batch have been ignored?

(d) If the answers to parts (a), (b) and (c) above, be in the affirmative, will Government please state why in spite of the assurance given in reply to the starred question No. 291(a) of the 10th September, 1929, racial discrimination was made in appointing those two European or Anglo-Indian ex-apprentices, ignoring the claims of the two Indians who worked in Train Examining section (under I. K. R. Howrah) throughout the last strike (one of them was returned to shops a few days after the strike was over) and who passed in higher divisions and who had also training in one or more shops?

(e) Are Government prepared to take immediate steps in the matter? If so, when and in what way? If not, why not?

(f) Are Government prepared to appoint those two Indian ex-apprentices of 1930, whose cases have been overlooked, in suitable posts under the Chief Operating Superintendent when next vacancies occur, and issue necessary orders to the officer concerned to this effect without further delay? If not, why not?

Mr. P. R. Rau: I have called for information and will lay a reply on the table of the House, in due course.

SELECTION OF LILLOOAH EX-APPRENTICES FOR THE POSTS OF TRAIN EXAMINERS.

376. Pandit Satyendra Nath Sen: (a) Will Government be pleased to state:

- (i) how the selection of ex-apprentices of the East Indian Railway Workshop, Lillooah, for the posts of Train Examiners under the Chief Operating Superintendent, in Howrah Division; on the 14th August, 1933, was made; and
- (ii) who made the selection and what were their qualifications?

(b) Is it a fact that the candidates were not selected on the result of the interview? Is it also a fact that the selection board had selected some candidates with lower qualifications?

(c) Will Government please state how many ex-apprentices were granted interviews before the appointment of the Anglo-Indian as referred to in answer to the starred question No. 631 (b) of the 4th March, 1932?

(d) If the answer to part (b) above be in the negative, will Government please state:

- (i) why one Anglo-Indian or European ex-apprentice of 1933, was appointed, although none of the ex-apprentices of 1933, were called for interviews, and
- (ii) why Messrs. T. A. H. Cahoon, N. C. Chatterji, A. N. Mitra and G. Allnut were appointed in preference to many senior ex-apprentices of 1930, who also passed in the first division? Is it a fact that the latter had better training?

(e) Are Government prepared to take steps to replace them by their seniors, or to appoint the latter in suitable posts when next vacancies arise? If not, why not?

(f) Will Government please state whether they are prepared to put a stop to the appointment of junior ex-apprentices in preference to seniors and to appoint in all future cases ex-apprentices strictly according to seniority, and issue necessary orders to the Railway Administration to this effect? If not, why not?

Mr. P. R. Rau: I have called for information and will lay a reply on the table of the House, in due course.

SELECTION OF LILLOOAH EX-APPRENTICES FOR THE POSTS OF TRAIN EXAMINERS.

377. Pandit Satyendra Nath Sen: (a) Is it a fact that a few posts of Train Examiners under the Chief Operating Superintendent, East Indian Railway, in Howrah Division, have fallen vacant?

(b) If the answer to part (a) above be in the affirmative, are Government prepared to take steps to appoint the senior ex-apprentices of the East Indian Railway Workshop, Lillooah, of 1930, and issue necessary orders to the East Indian Railway administration to this effect without further delay? If not, why not?

Mr. P. R. Rau: (a) and (b). I have sent a copy of the question to the Agent, East Indian Railway, for consideration. These appointments are within his competence to fill and Government are not prepared to intervene.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I lay on the table the information promised in reply to unstarred question No. 245 asked by Mr. M. Maswood Ahmad on the 28th March, 1934.

PROMOTION OF CERTAIN RESERVE CLERKS IN THE ROHILKHAND POSTAL DIVISION.

245. (a) A reserve clerk is of the same status as other clerks and, therefore, no question of appointing him again as a clerk really arises. If, however, the Honourable Member refers to the appointment of leave reserve clerks as operative clerks,

there were five such cases in the Rohilkhand Division during the period mentioned by him. I may, however, explain that such appointments mean no fresh appointment or promotion and do not affect in any way the pay, seniority and other general conditions of service of the officials concerned, and that it is open to the Controlling Officer to employ a clerk either as an operative, or as a leave reserve hand, according to administrative convenience.

(b) The reply to the first part, is in the affirmative. The second part of the question does not arise, in view of the reply given to part (a).

(c) There were 15 reserve clerks and the first four and the last amongst them have been appointed as operative clerks. I may point out that the positions of these five reserve clerks in the gradation list have not been altered in any way on account of their appointment as operative clerks, and that such transfers from reserve clerkships to operative clerkships or *vice versa* do not involve any promotion or supersession, as the Honourable Member will also see from the reply given to part (a).

(d) The reply is in the negative.

(e) Does not arise.

(f) Does not arise in view of the reply to parts (a), (c) and (d) above.

Mr. G. R. F. Tottenham (Army Secretary): Sir, I lay on the table:

- (i) the information promised in reply to unstarred question No. 79 asked by Mr. S. G. Jog on the 21st February, 1934; and
 - (ii) the information promised in reply to unstarred question No. 284 asked by Mr. S. G. Jog on the 3rd April, 1934.
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RECOMMENDATIONS OF THE WAR PENSIONS COMMITTEE.

79. (a) and (b). No. The Deputy Controller of Military Pensions merely stated that in their orders on recommendation No. VII Government had conceded no right of appeal in cases where they themselves had already fixed the amount of arrears.

This is correct in that there can be no appeal against the decision of the highest appellate authority. But recommendation VII must be read together with recommendation XXI. When any new facts are advanced in support of any case which the Government of India have already decided it is being made clear to the subordinate authorities that they should not hesitate to forward the case for reconsideration.

INTERPRETATION OF THE ARMY PENSION REGULATIONS.

284. (a) Government do not understand what is meant by asking whether one interpretation includes another. The words seem to them to be meaningless. As indicated in my reply to which the Honourable Member refers the final decision is the decision of Government.

(b) All regulations are interpreted with reference to the objects with which they were originally framed. If the rules no longer represent the intention of Government or of the Secretary of State, they are amended.

(c) The functions of the Appeal Tribunals and of the Ministry of Pensions in Great Britain are all performed in India by Government who are satisfied that no special appeal tribunals are necessary.

(d) Government are aware of the provisions of paragraph 44, of the Financial Regulations, India, Part I and of their orders on Recommendation VII of the War Pensions Committee. Their practice, and, so far as they are aware, the practice of the local sanctioning authorities, in cases in which those orders are applicable, have been in accordance with them. The fact that full arrears may be given in certain circumstances does not mean that they shall be given invariably.

(e) No.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 186 asked by Sardar Sant Singh on the 21st February, 1934;
- (ii) the information promised in reply to starred question No. 255 asked by Mr. S. G. Jog on the 24th February, 1934; and
- (iii) the information promised in reply to starred question No. 640 asked by Mr. K. P. Thampan on the 7th April, 1934.

SUPPLY OF RULES, RELATING TO THEIR DUTIES, TO THE RAILWAY EMPLOYEES IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

*186. (a) The Agent, East Indian Railway reports as follows:

"Under Rule 175 of the General Rules", Every Railway servant whether supplied or not with a copy of translation of the rules relating to his duties, shall make himself acquainted with such rules, and the Railway Administration shall ensure that he does so". A copy of translation of the Rules is supplied to the literate staff and in the case of illiterate staff, the following rules are applied.

Sub Rule 172 to General Rule 172 which reads:—

"Station Masters shall be responsible for explaining to Signalmen and other staff concerned at their stations the rules for working Fixed Signals, permanent or temporary and the use of Hand Signals and detonators". Also Rule 187 of the General Rules which is quoted below:—

- (i) "*Responsibility of Station Master for working.*—The Station Master shall be responsible for efficient discharge of the duties devolving upon the several members of the staff employed, either permanently or temporarily, under his orders at the station or within station limits and such staff shall be subject to his authority and directions in the working of the station."
- (ii) The Station Master shall also be responsible that the general working of the station is carried out in strict accordance with the rules for the time being in force.
- (iii) Whenever there is a change of staff at a station either temporary or permanent, the Head Station Master shall be responsible for seeing that all rules relating to the working of the station are understood by such staff. In the case of a man who is literate he shall submit to the Head Station Master a declaration in writing that he has read and understood such rules.

Rule 193 of the General Rules:

"*Obedience to orders and keeping of books and returns.*—The Station Master shall see that all orders and instructions are duly conveyed to the staff concerned and are properly carried out and that all books and returns are regularly written up and neatly kept". In addition to the above, the following instructions have been issued in Station Working Rules:

- (i) In a separate register to be opened for the purpose, all staff who can read English must sign their written declaration that they have read and thoroughly understood these rules, and the Station Master will be held responsible for seeing that they do so. Also that all relieving hands sent to work at the station do likewise. Please see General Rule 187 (i) and (iii) above.
 - (ii) The Station Master is also responsible for seeing that the staff who cannot read English, are acquainted with the rules which they are required to observe particularly as regards the passing of trains and will certify in the register to this effect.
 - (iii) This register must be kept in the custody of the Head Station Master under lock and key. In the case of illiterate staff, the Station Master will certify that he has personally explained the rules".
- (b) No.
- (c) and (d). Do not arise.

NON-PAYMENT OF SALARIES OF THE DEMOTED STAFF AT THE RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI.

*255. The Agent, East Indian Railway reports as follows :

There has been only one case of demotion at the Railway School of Transportation, Chandausi, due to reduction of establishment. The post of head mali on Rs. 25 was abolished from the 1st April, 1933, and the incumbent of the post at the time who was in receipt of Rs. 25 per mensem was offered Rs. 15 per mensem as a mali, which he accepted. Subsequently when the revised scales on this railway were applied to the school staff at Chandausi, this man's pay was fixed at Rs. 19 in the grade Rs. 14—1—19 applicable to malis with effect from the 1st August, 1933. He accepted payment of his salary for August September and October, 1933, but refused to accept his pay from November, 1933, on the grounds that he should be paid at the rate of Rs. 25 per mensem, his former pay. There was no vacancy in the grade of head Mali in any other division on the railway in which he could be absorbed and he, therefore, had to be absorbed in a lower grade as a mali on demotion, this being the only alternative to discharge.

ORDER FOR TEAK SCANTLING PLACED BY THE AGENT, MADRAS AND SOUTHERN MAHRATTA RAILWAY.

*640. (a) An order for teak scantlings was placed by the Madras and Southern Mahratta Railway, but not a large one, with the Anamallais Timber Trust Ltd.

(b) A sawmill has recently been erected at Perambur.

(c) The estimated cost of the Saw Mill is Rs. 14,39,000. As the accounts have not been closed, the exact cost is not yet available.

(d) The following are the special reasons for purchasing teak scantlings. Owing to the restriction of the Building Programmes in recent years it became evident that the Programme for 1934-35, must be started in June, about 5 months earlier in the year than has been customary, if a stoppage of work was to be avoided. There was not sufficient seasoned timber in stock from which to cut the scantlings and there was not sufficient time to obtain logs, slab them down and allow sufficient time for seasoning before cutting them up into scantling. Scantlings for part of the programme were, therefore, obtained by direct purchase.

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ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR ROADS.

The Honourable Sir Frank Noyce (Member for Industries and Labour):
Sir, I move:

"That this Assembly do proceed to the election, in such method as may be approved by the Honourable the President, of six Members to serve on the Standing Committee for Roads, which will be constituted to advise the Governor General in Council in the administration of the Road Account during the financial year 1934-35."

Sir, I think a word of explanation is due to this House for my moving this motion at this stage before the House has had an opportunity to discuss the Resolution in regard to the continuation of the Road Development account which will be placed before it in the course of this week. It would have been preferable to move this motion after the House had come to a decision on that Resolution, but unfortunately the state of official business has not rendered this possible. I should, however, explain to the House that by moving this motion I am not anticipating its decision on the Road Resolution. Even if that Resolution were not accepted by this House—I need hardly say that I earnestly trust it will be—we shall still want a Standing Advisory Committee for Roads to wind up the business arising out of the present account. As the House is probably aware, the amount in the Road Development Account does not lapse at the end of the year; it is carried on from year to year, and we still have funds and schemes to administer. Therefore, in any case, the continuance of the Advisory Committee is necessary. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That this Assembly do proceed to the election, in such method as may be approved by the Honourable the President, of six members to serve on the Standing Committee for Roads, which will be constituted to advise the Governor General in Council in the administration of the Road Account during the financial year 1934-35."

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I would like two assurances from the Honourable the Industries Member. I would like to know whether they will put on the agenda at the Simla Session during the first few days of the official business the Resolution which my Honourable friend, Sir Frank Noyce, has tabled, and then I would like an assurance that no meeting of the Road Committee will be held until that Resolution is taken into consideration.

The Honourable Sir Frank Noyce: Sir. I can give my Honourable friend the assurance he requires on both the points he has raised. The Resolution will be placed before the House this week, and I trust that the House will accept it. No meeting of the Standing Advisory Committee will, therefore, be held until the House has arrived at a decision on the Resolution.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I suggest that in the interest, both of ourselves and of the Council of State, both being adjourned on the 21st, the Resolution may be moved on any date before the 20th or 19th and that the discussion may take place on the 21st, because I understand the Council of State cannot discuss this Resolution unless it is moved in this House. Is that a fact or not? If it is a fact, then I would like that the Resolution may be introduced and the discussion may be taken up on the last day.

The Honourable Sir Frank Noyce: Sir, there is, as I understand the position, no bar whatever to the Council of State discussing this Resolution before this House has done so, but it is desirable, I think, that this House should have the first opportunity for discussion, and it is the Government's intention that it should have that opportunity.

Mr. B. Das: I now find that the Road Resolution will be taken up before the Assembly Session is adjourned. There is the other most important Resolution relating to the question of disposal of surplus silver and it was put

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order: that does not arise out of this.

The question is:

"That this Assembly do proceed to the election, in such method as may be approved by the Honourable the President, of six Members to serve on the Standing Committee for Roads, which will be constituted to advise the Governor General in Council in the administration of the Road Account during the financial year 1934-35."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): I may inform Honourable Members that for the purpose of election of Members to the Standing Committee for Roads, the Assembly Office will be open to receive nominations up to 12 noon on Tuesday, the 17th April, and that the election, if necessary, will, as usual, be held in the Secretary's Room on Thursday, the 19th April, 1934. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE INDIAN TARIFF (TEXTILE PROTECTION) AMENDMENT BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the Indian Tariff (Textile Protection) Amendment Bill.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I beg to move:

"That in the Schedule to the Bill, in Amendment No. 9, in the fourth column of the proposed Item No. 1580, for the figures '12' the figure '9' be substituted, and after the words 'per pound' the following be inserted:

'for goods weighing upto 3 pounds per dozen and an additional 6 annas per each successive pound beyond 3 pounds for goods weighing more than 3 pounds per dozen. "

Sir, the Honourable the Commerce Member said last Saturday that I had waived in this House little children's vests and that I had made a grievance of Rs. 1-8-0 a dozen. That is true. I did so. But my grievance was for not introducing a graded tariff. It was Rs. 1-8-0 a dozen for children's vests and it was also Rs. 1-8-0 a dozen for men's vests, for fat men's vests and for everybody's vests. So, my grievance was that it was not a graded tariff. My Honourable friend said that he felt that there was something in my grievance as the duty was Rs. 1-8-0 a dozen for all kinds of vests whether they were of 20 inches or 36 inches or 6 inches. Then he said that the basis of levying the duty has now been changed to so much per pound. Even by doing that, he has not removed my grievance at all. It is identically the same thing. He has removed my grievance, so far as the children are concerned, but he has not removed my grievance, so far as the fat men are concerned. For instance, what would happen to my esteemed and Honourable friend, Mr. Kabeer-ud-Din Ahmed, or to myself. A dozen vests, which will weigh more than nine pounds, according to my Honourable friend, the Commerce Member, which will be charged a duty of nine annas a pound will be liable to an increased duty of 125 per cent.

Sir, we have been hearing a lot about folk tales and folk lore. With your permission, I will also tell you a folk tale in this connection. We have a fat Member from Malda who talks of tigers. Every time he is called to order, he shows a dislocated limb. He says: "This is a tiger of Malda and is a ferocious beast; it caught passengers and made a ferocious feast". Up rises the Commerce Member in anger and says: "Bring me the tiger and the man, and the Railway Authorities will do what they can". This puts the fat Member into rage and he says: "I will bring the tiger and you provide the cage".

Then, Sir, I have got another grievance. Apart from the fat man's garments, you are putting the duty on a thing which is not manufactured in India, such as fleecy shirts. Now, what is the result? The result is that you are depriving the poor masses from using the only garment that he can afford to buy. He cannot afford to buy a woollen garment to protect himself from the cold and you are depriving him even to buy fleecy garments. Therefore, my amendment comes to this: keep it as you like up to three pounds; but, thereafter, reduce the rate per pound, so that the fat man's vests at least may be had at a reasonable price.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in the Schedule to the Bill, in Amendment No. 9, in the fourth column of the proposed Item No. 1580, for the figures '12' the figure '9' be substituted, and after the words 'per pound' the following be inserted:

'for goods weighing upto 3 pounds per dozen and an additional 6 annas per each successive pound beyond 3 pounds for goods weighing more than 3 pounds per dozen.'

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I rise on a point of order. Will I be allowed to move amendment No. 32?

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment No. 32 has been disposed of.

Dr. Ziauddin Ahmad: Then, I would like to make a speech on this amendment. We have been making a great confusion in our calculations from a dozen basis to a weight basis of which this motion and the other motions were the necessary consequence. I wanted to develop that point on my amendment No. 32, but I was not allowed to make a speech. I thought that the best way of calculation was to find out how much *ad valorem* it would work up to if we accepted the recommendation of the Tariff Board for Rs. 1-8-0 a dozen. I admit that my data are not complete, and probably the Government data would be complete, and they will be able to calculate the figure. But from the data which are available to me, I have calculated that it would work up to 69 per cent *ad valorem*. Therefore, if they agree to it that 69 per cent *ad valorem* is the right duty, then I think we ought to transfer it in terms of pounds in the same manner. I also calculated in terms of pounds on the data which is available to me and the duty of twelve annas per pound would work out approximately to cent per cent. Therefore, I submit we have really increased this *ad valorem* duty from 69 to cent per cent. Never mind these one or two petty phrases of the Tariff Board whether three pounds stuff is equivalent to two pounds eight ounces stuff, and so on. Therefore, the best way by which Government could have arrived at the correct conclusion was to calculate, which they omitted to calculate, the *ad valorem* value of Rs. 1-8-0 per dozen, and then calculate the pound duty also to the *ad valorem* duty. I daresay they have definitely increased the rate recommended by the Tariff Board which works out to 69 per cent and they have increased it to 12 annas, that is cent per cent. Thus, I submit, the Government have been very unfair in their proposals.

The Honourable Sir Joseph Bhoré (Member for Commerce and Railways): Sir, I am sorry that I must oppose Mr. Ghuznavi's motion. Apart from any other consideration, I must oppose it on the ground of administrative inconvenience. In practice, it would be, if not impossible, at any rate extremely difficult for the customs administration to deal with consignments of this nature and to apportion the duty if it was decided to apply it on the basis suggested by my Honourable friend in the amendment. I understand that the custom of the trade is for packages to come in consisting of all sizes and all weights of vests. Now, what would happen? Every package would have to be opened and each package would have to be dealt with piecemeal. In these circumstances, though

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it may not be an impossible task, it would impose an intolerable burden on the Customs Department, and I am afraid, on that ground, namely, of administrative inconvenience, I must oppose this motion. I pointed out the other day that in adopting a single weight basis for all sizes and all weights of undervests, we were not peculiar. We are merely following, for example, the Japanese method, a reference to which example will, I am sure, appeal to my Honourable friend, Mr. Ghuznavi, who is so staunch a supporter of Japanese goods in this country. Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): I want to refer to a single point

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair does not mind allowing the Honourable Member just to make one observation, but then it must deprecate this practice. If the Chair allows the Honourable Member, Maulvi Muhammad Shafee Daoodi, to make a speech now, the Honourable Member for Government will also be allowed to make a reply.

Maulvi Muhammad Shafee Daoodi: I just want to explain one circumstance.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): May I enquire, Sir, whether Honourable Members have not got a right—not a concession—to speak after the Government Member has spoken? So far as I understand, under the Standing Orders, the Government Member has a right of reply if new points had been raised by Honourable Members who speak after him. Why should we be curtailed in exercising our right of speaking on an important Bill like this?

Mr. President (The Honourable Sir Shanmukham Chetty): There is no question of curtailing any power at all. No Honourable Member gets up to speak, and then the Chair calls upon the Government Member to reply to the debate, and, after this, it is not proper for another Honourable Member to get up and make a speech.

Maulvi Muhammad Shafee Daoodi: My points arise out of the speech of the Honourable the Commerce Member. The Honourable Member has put before us certain administrative difficulties. That was a thing which was not considered by the House. I was going to submit that administrative difficulties should not stand in the way of doing justice to the poor people in this country. That was my point. I know that administrative difficulties can be met in various ways, but the poor people's difficulties cannot be met by allowing the thing to remain on the Statute-book. We know that once before when there was a motion about something else which took place the other day, there was administrative difficulty put forward in regard to fixing the weight as to whether the size should be the size of a small child, or a grown up boy or an adult and things like that, but no heed was put to that argument. I submit that the Government

should see their way not to raise the question of administrative difficulties while there are so many other ways of removing those difficulties. When there is inherent difficulty in the fact of assessing the valuation of the article, that should be urged. Therefore, I say, this administrative difficulty is not a point which should have been urged.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in the Schedule to the Bill, in Amendment No. 9, in the fourth column of the proposed Item No. 1580, for the figures '12' the figure '9' be substituted, and after the words 'per pound' the following be inserted:

'for goods weighing upto 3 pounds per dozen and an additional 6 annas per each successive pound beyond 3 pounds for goods weighing more than 3 pounds per dozen.' "

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The House now comes to the amendment moved on the 14th April, 1934, by Maulvi Muhammad Shafee Daoodi which runs:

"That in the Schedule to the Bill, in Amendment No. 9, in the second column of the proposed Item No. 158L, the following be added at the end:

'fleecey undervests'."

Dr. Ziauddin Ahmad: I beg to support the amendment moved by my Honourable friend, Maulvi Muhammad Shafee Daoodi. Sir, I should like to point out that by changing the incidence of taxation, it is not fair to increase the *ad valorem* duty enormously. Now, the duty on this particular commodity, which we were discussing before the two tariff Bills came up, was 25 per cent. *ad valorem*. Under the first Bill, when we imposed a duty of Rs. 1-8-0, then the duty on the two classes of fleecy stuff, heavier and lighter, was increased from 25 per cent *ad valorem* to 26 per cent *ad valorem* in one case and to 35 per cent. *ad valorem* in the other case. Therefore, by the first Bill, the 25 per cent *ad valorem* was increased to 26 per cent and 35 per cent. Now, we are bringing this new Bill which it has been repeatedly pointed out that what we are imposing is a duty equivalent to Rs. 1-8-0 and if it is Rs. 1-8-0 equivalent, then the *ad valorem* duty must work out to something like the equivalent of 26 per cent and 35 per cent. But what we actually find is that in the one case the duty was raised to 123 per cent from 26 per cent, and, in the other case, it was raised from 35 per cent to 107½ per cent. This will be the increase in the duty in relation to the two classes. I hope it was not the intention of the Government by this new arrangement to increase suddenly the duty from 26 per cent and 35 per cent to 123 per cent and 107½ per cent. If the Government want to give special protection to this particular article, that is a different matter; but so long as they profess—and they have professed on the floor of the House—that the duty which they are now suggesting is practically equivalent to the duty recommended by the Tariff Board and the Tariff Board proposals are just as I have pointed out now, then the Government should not increase the duty by something like four times in the one case and three times in the other. Therefore, I submit this is a thing which is to be looked into. If my Honourable friend, Maulvi Shafee Daoodi's amendment is accepted, then the duty for this stuff will be 50 per cent; that is, under the old Bill Rs. 1-8-0 has risen to 26 and 35 per cent, and if we accept Mr. Shafee

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Dacodi's amendment, it will rise to 50 per cent. I think a duty of 54 per cent in these days of depression is sufficiently high. It is rather unfair to increase the duty by 125 per cent and 107 per cent. Besides, he says that we want to protect certain articles, but are we going to protect an imaginary article? I understand that some sort of fleecy undervest is made in this country. I was told the other day by a person who can speak with authority that India was not likely to make it for sometime to come. Therefore, if a thing of this kind is not likely to be made in this country of that particular quality for sometime to come, then, under the impression that this will be manufactured in the future, to put a duty of 125 and 107 per cent, is, to say the least, unfair.

Mr. S. C. Mitra: Sir, with your permission, I should like to read a telegram which I have received just now from the Secretary of the Calcutta Hosiery Association:

"We appeal to you reconsider proposals *re* duty on cotton undervests. This should not exceed Government's proposal of nine annas per pound. Moreover, fleecy undervest being not made in India should not be subject to increase and old duty should be maintained."

Sir, I made it clear that I am for protecting the Indian hosiery industry and giving it sufficient protection, so that the industry may be saved. But, at the same time, I should like to have some categorical reply from the Commerce Member as to the statement that is made here in this telegram that this particular kind of fleecy undervests, of which I personally have no information, are not made in India. And if they are not made in India or there is no prospect of their being manufactured in India, for which the authority of Mr. Mody has been quoted, then it lies heavily on Government to make a case why they should try to impose this heavy duty on this particular kind of hosiery.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): I said they cannot be manufactured here at that price.

Mr. S. C. Mitra: Mr. Mody says that at that price it is impossible for India to expect to manufacture this kind of hosiery. It has been argued by my Honourable friend, Mr. Ghuznavi, with great force that the poorer people use these kind of fleecy undervests. So there will be no case absolutely, if it will not in any way help the Indian industry, for putting such a heavy duty on such a necessary article in life.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, in this connection I agree with the idea that the rate of duty for fleecy undervests should not be the same as has been proposed for hosiery of other kinds. But I cannot understand one thing, and that is this. At present under 1580, the duty proposed is 25 per cent or 12 annas per pound, whichever is higher. But now I find that the amendment proposes to bring this item under Item No. 158L and the result will be the *ad valorem* rates of duty applicable to the fabric of which the article is wholly or mainly made. So it will be placed under Item 158L, under Item 158D and other items, and the result will be that from 25 per cent it will go up to 50 per cent, because in 158D you will find that on articles of non-British manufacture the duty will be 50 per cent or four annas per square yard, if it is of artificial silk. And for cotton fabrics of non-British

manufacture, as you find in 158C, the duty is 50 per cent or 5½ annas per pound, whichever is higher. I want to know what is the idea. If the idea be to raise the duty from 25 per cent to 50 per cent, I cannot agree to that, because, by this amendment, the article will be charged according to the stuff of which it has been made. Suppose that these fleecy undervests are made of silk in which case the duty will be 50 per cent *plus* in some cases, two rupees per pound and in some cases. . . .

Mr. B. Das (Orissa Division: Non-Muhammadian): How can fleecy underwear be of silk?

Mr. M. Maswood Ahmad: They mix silk in that stuff. Even if it is of cotton, I find that this duty will be raised from 25 per cent to 50 per cent and I cannot agree to this increase. But I will suggest to Government that there must be some rate of duty on fleecy undervests, and there cannot be two opinions in this matter, because fleecy undervests are heavy articles and for that reason this proposed duty is very high.

Mr. A. H. Ghuznavi: Sir, I support this amendment. We have the authority of Mr. Mody that this cannot be made in this country even at that price.

Mr. H. P. Mody: Sir, may I explain that all that I said in the course of a private conversation yesterday, after seeing the article, was that it was quite impossible for India, or, for the matter of that, for any other country in the world except Japan, to manufacture it at that *c.i.f.* price which was quoted to me.

Mr. A.H. Ghuznavi: That is the reason why there should not be a duty at all. You cannot manufacture that here, and that is what I have been saying all the time. This only adds force to my argument that there should be no duty at all.

The Honourable Sir Joseph Bhore: Sir, I think my Honourable friend, Mr. Maswood Ahmad, was on the right track when he raised the objection, but I do not think he pursued his objection quite far enough. As far as I can appreciate the proposed amendment, the entry of the item "Fleecy Vests" in 158L would be inoperative, because all the items under 158C to 158K are fabrics which are woven. A vest is not a woven fabric, it is a knitted fabric. It will come under 158M and not under the preceding items, and hence the duty applicable would be 50 per cent or 12 annas per pound, whichever is higher. However, that is a technical matter, and it is not necessary for me to go further into that point.

Some play has been made of the opinion expressed that this article which has been termed "fleecy vest" cannot be manufactured in this country. I take some exception to an opinion being so deliberately distorted as that of my Honourable friend, Mr. Mody. What I understand he did say was that this country could not possibly manufacture it at that price; and it is for that very reason that we are asking for protection. As a matter of fact, I may say that, to the best of my recollection, articles were brought in at the time of the Select Committee's deliberations which were manufactured in this country. They were to some extent "fleecy

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vests". They may not have been exactly of the type which my Honourable friend, Mr. Shafee Daoodi, was good enough to show me, but they certainly were "fleecy vests". So that, if there is any doubt in the minds of Honourable Members here, I can, I think, definitely set it at rest by saying that we certainly were shown in the Select Committee articles which were manufactured in this country and which would undoubtedly come under the descriptive term "fleecy undervests".

Now, Sir, so far as this amendment is concerned, there are other serious difficulties. Take the term "fleecy undervests". As far as I know, it is not a trade term generally understood or admitted by anybody, I think it was originally invented by a Member of this Assembly and I am quite certain that if we put a term like that into our tariff schedule, Customs House officers would find difficulty in interpreting it on any uniform basis. I must, therefore, oppose this amendment. But, Sir, I should like to tell my Honourable friend, Mr. Shafee Daoodi, that I do not want to turn down every suggestion that is made by the opposite side in this connection. I am, therefore, quite prepared to give an assurance that we will make a very careful inquiry into the case of this particular article to see whether any strong reason does exist to justify making it a separate class and treating it differently from other cotton undervests. Unless we are in possession of evidence which shows conclusively that there is justification for creating a separate class and that it is possible to do so, then, Sir, we shall not be justified in treating it otherwise than as falling under Item 1580. I hope my Honourable friend will accept my assurance and withdraw his motion.

Dr. Ziauddin Ahmad: May I just ask whether the Government have got any information about the quantity of fleecy stuff now made in India?

The Honourable Sir Joseph Bhore: No, Sir. I have no information as to the quantity of fleecy stuff made in India. I do not know what fleecy stuff is.

Mr. J. Ramsay Scott (United Provinces: European): Sir, it is quite possible for every undervest, that is brought into India, to be turned into a fleecy vest. All that is required is to give it a slight raising on the inner side that costs practically nothing. It is also by rubbing with a wire gilet on a brush hard and rubbing it against the material. Any undervest in India can be turned into a fleecy undervest at any time with practically very little cost.

Maulvi Muhammad Shafee Daoodi: Sir, in view of the assurance given by the Honourable the Commerce Member that he will make an inquiry into the matter and see if this can be brought under a separate item or a separate category, I ask leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty): Are the amendments of Dr. Ziauddin Ahmad and Mr. Maswood Ahmad consequential upon 1580? That is what the Honourable Member said when

he asked the Chair to hold it over; it goes much beyond 1580. Why the Chair is asking this is because on that ground he asked the Chair to take up 1580 first and whether this amendment is to be moved or not depended upon that. 1580 has been disposed of—and, in view of that, will this amendment be moved?

Dr. Ziauddin Ahmad: May I just point out that there are two parts of it? One is by weight, and that has been disposed of; but, in this particular case, they have increased the *ad valorem* duty from 25 to 50 per cent, which is not the same as 1580, and that is the only point that I wish to draw attention to.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member can move it if he wants.

Dr. Ziauddin Ahmad: Sir, I move:

“That in the Schedule to the Bill, in Amendment No. 9, in the fourth column of the proposed Item No. 158M, for the figures ‘12’ the figure ‘9’ be substituted.”

My object in moving this motion is to draw attention to one important point, that in the original Bill the duty provided was 25 per cent. Now, in the Select Committee, we also put the same duty on this fabric as they put on hosiery on the supposition that perhaps this particular stuff might be brought at cheaper value and afterwards it might be sewn in this country. So if you put any duty on this particular stuff, it is natural that the duty on this ought not to be more than the duty on the hosiery itself; because, after all, you will have to spend some more money in order to make it into hosiery. So if there be any change in the duty on this and the duty on hosiery itself, it should be a tendency on the lower side, not on the upper side; but we find that the duty on hosiery is 25 per cent *ad valorem*, while here the duty *ad valorem* is 50 per cent; and the weight basis remains the same. This is what I would like to draw attention to.

Mr President (The Honourable Sir Shanmukham Chetty): Amendment moved:

“That in the Schedule to the Bill, in Amendment No. 9, in the fourth column of the proposed Item No. 158M, for the figures ‘12’ the figure ‘9’ be substituted.”

Mr. B. Das: Sir, I oppose the motion moved by Dr. Ziauddin Ahmad. It was pointed out in the Select Committee by the Government spokesman that at present the import of this commodity (knitted fabrics) into India is nil. But we know what importers are and they will try to make money out of it if they can. Formerly, they used to bring fents in nine yard pieces; now, to avoid the heavy duty imposed on Japanese piecegoods, they cut these pieces and bring them in four yard lengths. In the same way, although there is no import into India of knitted fabrics, the importers will take advantage of it and bring in large quantities to manufacture undervests if they can. My Honourable friends, Dr. Ziauddin and Mr. Ghuznavi, all agreed that if we were to give protection, we must give adequate protection to the hosiery industry. In fact, Mr. Ghuznavi, while he was speaking on the Safeguarding of Industries Bill, said, as one of the founders of the hosiery industry in Bengal, that he would like to see adequate protection given to the hosiery in-

[Mr. B. Das.]

dustry; it is he who demanded adequate protection; and though I accepted 12 annas in the Select Committee. I did so under protest, because speaking there on behalf of the various Chambers of Commerce, particularly the South India Chamber of Commerce and the Ramnad and Madura Chambers, they all demanded one rupee per pound duty; and I had to accept 12 annas under protest. I did not put it down in my minute of dissent, because I thought the protest I recorded in that Select Committee was enough; but when the Select Committee agreed to 12 annas to be put on knitted fabrics, they put this prohibitive duty for the first time in the fiscal policy of the Government of India, to safeguard against future calamity that might happen to the hosiery industry. I congratulate Government on having agreed to put this prohibitive duty on an article the import of which is nil now, but which might increase, so that certain importers might bring it in. These are the reasons that led us to put on 12 annas duty per pound of hosiery.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Sir, this was really a consequential amendment made in the Select Committee. It follows the increase of duty on cotton hosiery. These knitted fabrics merely mean the cloth out of which hosiery, under-vests and other things are made. If there is a difference between the knitted fabric and the hosiery, what would happen is that, instead of sending ready made hosiery, under-vests, banians, and so on, the importers will merely get knitted fabrics, and it will cost very little to turn them into under-vests and other things: it will be merely adding the cost of tailoring charges which will be nominal if you take a dozen, and, therefore, the amount of competition would be just as severe. All that would happen is that instead of ready made hosiery coming in, knitted fabrics will come to be made into under-vests here. As a matter of fact, it is not quite correct to say that no knitted fabrics come in at present: a certain amount does come in, but it is a very small quantity; it has so far not been worth their while to send it in larger quantities, but the moment there is a disparity between these two, one may rest assured, without much imagination, that the whole import will turn into knitted fabrics; and that is why more or less as a sort of consequential amendment the amount of specific duty was raised to keep parity with the under-vests, etc. As regards the 50 per cent, that merely followed the *ad valorem* rates for cotton fabrics. You will find that in 158C and in 158D cotton fabrics not otherwise specified pay an *ad valorem* duty of 50 per cent on non-British manufacture. As this was in line with that, it was considered proper that the same amount of *ad valorem* duty should be applied to this also. But really the effective duty will be the specific duty of twelve annas, and not the 50 per cent *ad valorem* duty. That was the reason why the Select Committee made the change as a matter of consequential change.

The Honourable Sir Joseph Bhore: Sir, I have nothing further to add to the explanations given by my friends, Mr. B. Das and Diwan Bahadur Mudaliar. I would only point out that from this amendment I do not see that Dr. Ziauddin Ahmad objects to the 50 per cent *ad valorem* duty. All that he is trying to do is to reduce. . . .

Dr. Ziauddin Ahmad: That is my chief aim, and that is why I am objecting to the 50 per cent.

The Honourable Sir Joseph Bhoré: Why is it that you did not change it then? In these circumstances, Sir, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty). The question is:

"That in the Schedule to the Bill, in Amendment No. 9, in the fourth column of the proposed Item No. 158M, for the figures '12' the figure '9' be substituted."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): Does Mr. Maswood Ahmad want to move his next amendment?

Mr. M. Maswood Ahmad: No, Sir. I want to move only Amendment No. 3 in the late List No. III.

Mr. President (The Honourable Sir Shanmukham Chetty): Yes.

Mr. M. Maswood Ahmad: Sir, I beg to move:

"That in the Schedule to the Bill, in Amendment No. 9, for the proposed Item No. 158M, the following be substituted:

'158M. Cotton Knitted fabric. *Ad valorem* 25 per cent or 12 annas per pound whichever is higher'."

I think, Sir, my friend, Dr. Ziauddin Ahmad, has actually supported me in this. The troubles for the cotton knitted fabric have actually increased, because the duty for this cotton knitted fabric was 25 per cent and now it has been raised to 50 per cent or 12 annas per pound, or whichever is higher. Now, let us consider for a moment what quantity of cotton knitted fabric comes into India. I should like to quote a passage from the Report of the Select Committee, because I find that no Member has dissented from it, and those Honourable Members, who have not dissented from the views of the Select Committee, are not, I think, justified in challenging that portion of the Select Committee. They say:

"In Item No. 158M, we have increased the duty on cotton fabrics to 50 per cent. *ad valorem* or 12 annas per pound, whichever is higher. We understand that at the moment there is practically no import of such goods, but we consider that the import should be definitely discouraged."

So, Sir, the Select Committee have come to the conclusion that the import of cotton knitted fabric is very limited in extent. Further, I want to point out that there are two kinds of articles imported into this country, one article is imported into India in a completely finished form, while another kind of article which comes into this country is in a half finished state. Now, it is for my Honourable friends to consider and say which kind of article they would prefer to come to this country, whether the completely finished article or the half finished article on which we shall be able to employ some labour to complete it in India. Now, what do we find? The Select Committee has fixed 25 per cent for the completely finished articles which come into this country, while they have fixed 50 per cent *ad valorem* duty for the half finished or semi-finished articles. That shows that they want to encourage the import into India of completely finished articles and discourage the import of semi-finished or half finished articles. There are two

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alternatives, and we have to choose between the two, and I do not think there will be much difference of opinion if I say that we should prefer the semi-finished article. That principle has been admitted by the Government themselves when the question of cigarette and tobacco was being considered, and I don't think they can adduce sufficient arguments to bring about a change in their policy in connection with cotton knitted fabrics and hosiery. Further, they have relied on the Report of the Tariff Board for the cotton knitted fabrics, because the Tariff Board at page 196 of their Report say: "All other kinds, not specified above, including fabrics of all descriptions", and so they propose that knitted fabrics should not be treated in the same manner as hosiery. They keep it under a separate heading, and they say that six annas per pound or the *ad valorem* rate of revenue duty, whichever is higher, should be imposed. And what was the *ad valorem* duty? It was 25 per cent. Therefore, the Tariff Board have recommended that the duty should be either 25 per cent or six annas per pound, whichever is higher. I don't say that my friend should accept this duty of six annas per pound, and I have given notice of an amendment to that effect, but I thought that when we have fixed a duty on hosiery, we should have the same rate of duty on knitted fabrics as well.

Then, Sir, at page 198 of their Report, the Tariff Board say "All other kinds not specified above, *ad valorem* rate of revenue duty". Therefore, they have recommended only these two rates, but Government have not accepted their recommendation in this regard, and so when they have not accepted the recommendation of the Tariff Board, Government have no right, I think, to come before this House and ask our help to put a higher duty on unfinished or semi-finished articles than on the finished stuff which comes into this country, and I hope the Honourable the Commerce Member will consider this point carefully. If Government say that practically the duty will be 12 annas per pound, then I suggest that there is absolutely no harm if they change 50 per cent to 25 per cent, because the words "or twelve annas per pound or whichever is higher" are already there. All I say is that Government should not encourage the import of completely finished hosiery articles into this country, rather they should encourage the import of knitted fabrics and discourage the import of hosiery. I hope, in view of the importance of the points I have raised, the Honourable Member in charge will be good enough to accept my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in the Schedule to the Bill, in Amendment No. 9, for the proposed Item No. 158M, the following be substituted:

'158M. Cotton Knitted fabric. *Ad valorem*. 25 per cent or 12 annas per pound whichever is higher.'

The Honourable Sir Joseph Bhore: Sir, I am afraid I must oppose the amendment. I do not wish to encourage either the finished article or the unfinished article. We want to keep both out as far as this is possible, and, so far as the effective duty is concerned, that will be provided by the specific duty of twelve annas per pound and 50 per cent will probably not be operative. In these circumstances, nothing would be gained by changing the 50 per cent to 25 per cent.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in the Schedule to the Bill, in Amendment No. 9, for the proposed Item No. 158M, the following be substituted:

'158M. Cotton Knitted fabric. *Ad valorem*. 25 per cent or 12 annas per pound whichever is higher'."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): Dr. Ziauddin Ahmad, No. 33*.

Dr. Ziauddin Ahmad: Sir, I don't want to move it, as we have already discussed it in detail.

Mr. President (The Honourable Sir Shanmukham Chetty): So that disposes of all the amendments in the Schedule.

The question is:

"That the Schedule, as amended, stand part of the Bill."

The motion was adopted.

The Schedule, as amended, was added to the Bill.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 4 stand part of the Bill."

Dr. Ziauddin Ahmad: I beg to move:

"That in clause 4 of the Bill, for the figures '1939' the figures '1937' be substituted."

My amendment is to the effect that the life of this Bill should be three years instead of five years. The agreement with Japan on the basis of which this Bill has been drafted is not for five years, and three years are quite sufficient for us to justify whether our assumptions which are made here are correct. After three years, the Government can come forward and extend the life of this measure if they choose to do so for another period by moving a short Bill or by notification in the Government Gazette. Again, we are passing through a period of depression, and I hope that, after three years, the depression may be over, and, as soon as the depression is over, we will be in a better position to review the whole position. It is rather unfair to suppose that the existing condition will go on for another five years. I think that three years is quite sufficient, and, after that, the Government may continue it, or may revise it in the light of experience gained in the interval.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in clause 4 of the Bill, for the figures '1939' the figures '1937' be substituted."

*"That in the Schedule to the Bill, to the proposed Amendment No. 9, the following be added at the end:

'Yarn and Fabrics made wholly or partly of artificial silk shall be deemed as if they are made wholly or partly of cotton.'"

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): I do not want to make a long speech. I would, in a few words, support the amendment moved by my Honourable friend, Dr. Ziauddin Ahmad. Besides the reasons which the learned Doctor has given, I would submit that it is admitted also by the Government that some of the duties which have been imposed by this Bill would hit the consumer very hard. If that is so, we must not make the life of this Bill very long, that is, five years. Let us see its working for three years and find out the result of levying these duties on the consumers in the country,—whether the consumers are hit hard or whether they are able to purchase things all right. Another point is this. During the next three years, we will be in a position to judge whether the indigenous trade of the country is getting an impetus and is increasing or not. I think three years are quite sufficient to give protection to the indigenous industry if it really needs to be protected, and, within these three years, we will be able to see whether the industry is such as it requires further protection. For these reasons, I support the amendment.

Mr. A. H. Ghuznavi: I support this amendment. My first reason is that the Japanese Agreement is for three years, that is, up till 31st March, 1937, and, therefore, the period of this Bill should not go beyond that date. The whole of the Japanese question will have to be reconsidered after 1937. This duty, which we are imposing, although you say it is not a discriminating duty, is a discriminating duty, because the cheap class of goods comes from Japan and from no other country, though you do not mention it by name. All the Agreement which you have made with Japan about buying our cotton and their exporting a certain quota of piecegoods—all that will have to be reconsidered after 31st March, 1937. So, the period of this Bill should not go beyond that date. That will give us sufficient time to judge for ourselves whether this high protection is justified. Then, again, I submit that this high protection is not justified from the Government figures which we have got in our possession. The figures show that the imports are decreasing and the Indian manufactures are increasing. The figures for 1932 and 1933 show that the imports have decreased to 36,47,000 dozens and the Indian manufactures have increased to 7,46,000 dozens, and, in the face of these figures we are giving high protection and burdening the masses and the consumers with this heavy taxation. My next point is that, in the Indian Fiscal Commission Report, they lay very great stress on the duration. They say:

"From the point of view of the duration of the burden also, it is clear that discrimination is of the first importance. If protection is extended to unsuitable industries, they will never reach the stage at which the shield of protection can be discarded, and will remain a permanent burden on the community. The duration of the burden will also be extended if protection operates to prolong inefficient methods of production."

Therefore, I support this amendment.

Maulvi Muhammad Shafee Daoodi: Again we have got to consider as to whether we are going to give a long rope to these indigenous industries. True they should get protection, but they should not be given a long rope, so that, feeling secure in their position, just as they have done so far, they may not try to make the best use of the sacrifice that is being made by the consumers and improve their condition. The protection has now been going

on for some years past, and still, as we were told the other day by the Commerce Member, the competition is so hard that indigenous industries are going to suffer a great deal if prompt measures were not taken. The Government have got an additional power in their hands, that is, the Safeguarding of Industries Act. That gives them power to give relief immediately which the Government have done.

Now, with such powers in their hands, and having given, as I am told, many crores of rupees to the industrialists from the pocket of the consumers, we should not extend the time to five years. The life of the Assembly itself is not going to be so long as that, and I do not think we shall be justified in extending the period of protection to 1939. The Government will have no difficulty in their way to extend the period at the end of 1937 if they felt that the factories had done sufficiently well but still time was against them, and, therefore, they should be given some more extension. As I said, there are so many ways in the hands of the Government after the passing of the Safeguarding Act. Even a notification will do for extending the period of protection. For these reasons, I should think that the Government should not insist on prolonging this period of protection to 1939. For these reasons, I support the amendment limiting it to 1937.

Diwan Bahadur A. Ramaswami Mudaliar: I regret I am unable to accept this amendment. When we are giving protection to an industry, it seems to me that we shall be doing no service either to the consumer or to the industry concerned if we are constantly plucking up the roots and examining whether the plant is growing or not. In the interests of the consumer himself, the industry should have an assured protection for a definite time, so that it may organise itself, so that, by internal competition, the better organised and the more well established industries may thrive and that capital may flow into such industries, so that the less efficient industries may go out of existence. Three years is too short a period. One would have thought that five years is not long enough. As a matter of fact, the Tariff Board recommended a period of ten years, and I should like to quote to the House a paragraph from the Report of the Tariff Board where they strongly and strenuously recommend that a period of at least ten years is necessary for reorganising the industry. This is what they say:

"We propose that the period of protection should be fixed at ten years. In the case of a large industry, like the cotton textile industry a longer period than we have ordinarily allowed will be required for full development and reorganisation. We rather think as we have already indicated, that the ultimate salvation of the industry will come as the result of a strenuous internal competition stimulated by protection under which the more efficient mills in the country will so develop their output and improve their methods as to replace completely a large number of the existing mills. Sufficient time must be given for this process to work itself out. In view of the difficulties which face the industry at present and equally of the important national interests which are involved in it, we do not think that ten years can be regarded as too long a period. Unless protection is assured for a period of ten years, the capital required for the better class of mills for further development will not be forthcoming."

An Honourable Member: This is only for piecegoods.

Diwan Bahadur A. Ramaswami Mudaliar: This Bill deals with all sorts of things.

[Diwan Bahadur A. Ramaswami Mudaliar.]

Then, the Report goes on to say.

"It is rather the stability than the rate of protection which encourages the investment of capital in a protected industry. The Indian cotton textile industry, especially in Bombay, has been recently the subject of many public inquiries. Such inquiries repeated at frequent intervals must militate against healthy development. We think that the industry should now be allowed a period of rest from these harassing inquiries."

In view of that fact, I think that a period of five years given in the Bill is rather short. To cut down the period to three years must mean that the industry will be continuously in a state of excitement and no large development can really take place and ultimately the consumer will be the sufferer on account of this period of anxiety which the industry has had to face. My Honourable friend referred to the Indo-Japanese Agreement. What will be the effect of it? Supposing in 1937, the Indo-Japanese Agreement comes to an end, and that this basis of reciprocity, whereby they buy a certain amount of raw cotton from us is not renewed, then, what will happen? In fact, if a case is to be made out at all, it will be made out for a higher duty of protection rather than a lower duty of protection. We have given a lesser rate of protection. We have reduced the tariff duties because of the consideration that Japan is purchasing from us a certain amount of raw cotton. If that Agreement comes to an end and if that raw cotton is not to be bought from us, then the consideration that we have shown for lowering the duty will not be there. Nothing else will happen than that. Therefore, if there is any revision at all on the ground that the Japanese Agreement is not continued, it will be only a case for increasing the duty and not lowering the duty.

Mr. A. H. Ghuznavi: Supposing the Bombay mills go into liquidation in three years?

Diwan Bahadur A. Ramaswami Mudaliar: Then there are other mills which will crop up. They are growing up elsewhere. I am not pleading for Bombay. We are not here for the Bombay mills only. There are mills growing up in all parts of the country. As I hope to show in the third reading stage, there is very little chance of the mills developing unless their methods are radically altered, and the less efficient mills go out of existence. When the time comes when by internal competition they are able to adjust their production at such prices as will not fall heavily on the consumer, then we will realise the good that has been done out of a policy of protection. On the other hand, if you give a short period of protection, then the mills can never develop. The prices will be always the same, and the same kind of protection will have to be incurred, so that I suggest that, in the interests of the consumer himself, it is better to give a specific time for this industry to develop properly and to develop internal competition, so that prices may go down and ultimately the consumer will get the benefit under this scheme. I think five years proposed in the Bill is not at all too long. It is only half the time suggested by the Tariff Board, and, therefore, I am unable to accept the amendment proposed by my friend.

Raja Bahadur G. Krishnamachariar: (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I support this amendment. The Tariff Board, after laying down all those philosophic maxims as to the necessity of continuing this protection, lay it down to a period of ten years. Assuming that argument to be correct, assuming that it takes a period of ten years for the industry to develop, then, cutting it down to five years does not stand to reason. If it can be cut down to five years, then why not cut it down to three years, with a provision, if you like, that without even coming to this Legislature the Government may extend the operation of this Act for another two years, so that the industry might get its five years' protection. The reason why I am not satisfied with even the proposition laid down by the Tariff Board is that the cotton textile industry in India has been in existence for a long time. If, during all this period, they have not been able to develop themselves in such a manner that they do not require any further protection, then I submit that that industry, however national may be its character, does not deserve any consideration whatsoever. Time after time they have been told that this industry has not set its house in order. They have not made any attempt to do it, and if I understood my Honourable friend, the Diwan Bahadur, aright, I hope I am not misrepresenting him, he says—leave the Bombay mill industry alone. Industries in other places will start. They must develop. They will develop only in consideration of the internal competition that would come into existence. Allow sufficient time for this competition to adjust itself and then cease to give protection and then reconsider your position. It seems to me that that argument implies that, after a certain period, the industrialists are going to say—thus far we shall go and no farther. That is not a correct position to take. So long as there is scope, so long the industry will develop and every time new concerns come into existence, the same argument that my friend put forward will again be put forward, with the result that we will be moving in a vicious circle and we shall never be able to come to any conclusion. The question of the ten-year period not having been accepted by the Government, and the Japanese Agreement only lasting for three years after which if we do not agree, we are entitled to raise the protection to the existing rate from which we are now reducing it, I do not see any reason why the Government should not make this a co-eval with the duration of the Japanese Trade Agreement, taking to themselves the power to extend it if they find it necessary to do so.

There is only one point I will mention. The last period of protection was only for three years. Now, nobody suffered by it. I do not know to what sort of inquiries the Tariff Board refers as harassing inquiries. If it is the inquiries which they were making, I am very sorry to hear of the way they characterise their own inquiries. I should have thought that of all persons the Members of the Tariff Board would be the last to make any harassing inquiries,—but harassing to whom? How long is the consumer to be put under this agony, so that a portion of these people, admittedly inefficient, should go on and continue in their inefficiency and wallow in the mud so that by some miracle, some day, they may wake up and put their affairs in good order and then say—"now we shall no more want protection". I, therefore, submit, Sir, that this amendment deserves support.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, considering the part played by my Honourable friend, Mr.

[Mr. Gaya Prasad Singh.]

Mody, in this somewhat shady transaction with Lancashire, I would have been unwilling to grant any period of protection beyond that recommended by my Honourable friend, Dr. Ziauddin Ahmad, in his amendment, but the interests of a national industry of this country must override all other considerations.

Mr. F. E. James (Madras: European): What does my Honourable friend mean by "shady transaction"?

Mr. Gaya Prasad Singh: The shady transaction to which I refer is this. I am of opinion that the way in which my Honourable friend, Mr. Mody, went out to England and conducted this negotiation with the Lancashire people, aided by the moral support of the members of the European Group, is open to some suspicion, and the way in which my Honourable friend, Sir Joseph Bhore, seeks to implement the agreement arrived at between two private parties—I mean representatives of Lancashire and the representatives of only a section of the cotton textile industry of this country—is one which does not command my wholehearted support; but, Sir, the interests of the textile industry of this country must override all considerations which may be based on personal or other grounds. Therefore, I am of opinion that a sufficiently long period should be given for protection within which the industry might find itself able to adjust itself to world conditions of trade, and so on. Of course, during the period of protection we must carefully watch and see that we are giving no premium to the inefficient organisation of the textile industry of this country. I am quite in favour of the policy of protection, as recommended under the conditions mentioned in the Fiscal Commission's Report, but I should be unwilling to grant protection to any industry which does not improve its method of production and does not come to the standard which ought to obtain in such industries. I do not want the representatives of these industries to carry away the impression that this House will be willing always to grant them the luxury of protection without looking closely into the interests of all concerned (Hear, hear) whenever such an occasion arises, but a period of three years, as suggested in this amendment, is, I think, too short a period, because as has been pointed out by my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, a period of three years is an inconveniently short period within which one should not reasonably expect the industry to adjust itself.

Mr. Sitakanta Mahapatra (Orissa Division: Non-Muhammadan): What about salt?

Mr. Gaya Prasad Singh: My Honourable friend refers to salt. The question of salt stands on a different footing. I am not going to be side-tracked into discussing the question of salt but the textile industry of this country has to pass through a very complicated sort of organization, and sufficient time must elapse within which one may reasonably expect this industry to gain its own footing, and introduce improved method of production. But I would very strongly impress upon the representatives of the textile industry to try and put their house in order and to see that no encouragement is given to inefficient methods of production. I would in this connection suggest to the industry, if possible, to send their representatives to foreign countries—to Japan, for instance, or Manchester

and other places—and learn improved methods of production on cheap and efficient lines. This House also should be jealous of watching the interests of the consumers; but, in giving protection to a national industry, the interests of consumers must suffer to some extent; because I am of opinion that, even at a sacrifice, we should try to cultivate our national industry in this country.

Now, my Honourable friend has just referred to the question of salt. I am of opinion that even if, by reason of imposing the additional duty on salt, the price of salt has risen to some extent, I should think our countrymen should be cheerfully prepared to bear a little burden in the interest of developing the sources of salt supply in this country.

Mr. S. C. Mitra: Prices have gone down.

Mr. Gaya Prasad Singh: In the same way, even if the imposition of this duty casts upon the consumer a slightly higher burden with regard to prices, I should think that this price should be cheerfully paid in the interest of the development of the national industry of our country. By "national industry" I do not confine myself to the industry represented by my Honourable friend, Mr. Mody, because, as I have already said, their methods of production have not been quite satisfactory in the past, and this House would be well advised in laying down suitable conditions to that industry, so that, if it does not put its house in order and learn better methods of production, this House will be very unwilling to extend the period of protection. I do not want my Honourable friend, Mr. Mody, to come to the House with a beggar's bowl at the end of the three years which has been suggested by my Honourable friend, Dr. Ziauddin Ahmad, but I would give them a sufficiently long rope. (Laughter.) The Tariff Board has suggested a minimum period of ten years. This Bill proposes to give only a period of five years. I think five years is a reasonable compromise between the two proposals. I think it would not be to the interest of the industry if, after a period of two or three years of uncertainty, they have again to come up to solicit our protection. They must have some period of rest, and we must also have some period of rest from their importunate solicitations with regard to the continuance of this policy of protection. Therefore, I agree with the provision made in the Bill that the period of protection should be up to 1939.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I support this amendment. Many of us on this side of the House have agreed to allow protection to the textile industry not without some hesitation, and the Report of the Tariff Board itself, we find, is not altogether convincing that a very clear case was made out. What some of us felt on this side of the House—and I certainly expressed my difficulty in very clear language—was that, having regard to all the facts, we did not think that it would be advisable suddenly to withdraw the protection which has been given to this industry.

The Tariff Board has made it clear that at least in Bombay the industry is not conducted as efficiently as it ought to be. They have also said that the managing system, for instance, is answerable for a great deal of the difficulties which are being encountered by that industry in Bombay. The impression which most of us have formed on reading the Tariff Board Report is that it is really in order to save the Bombay mills

[Sir Abdur Rahim.]

that the Board has recommended the protection that it has in its report. Bombay seems to be at present the weak point of the entire industry of India. And even my friend, Diwan Bahadur Ramaswami Mudaliar, has admitted that it will be very difficult to foresee that the Bombay mill industry is going to develop on healthy lines. He has pleaded, in fact, for the other mills. The Tariff Board Report makes it clear that there are efficient mills and inefficient mills. I think it was said on the floor of the House that the Ahmedabad mills, which is the next largest group after Bombay or perhaps equally large, has been making a profit of 30 per cent. and that statement has not been challenged so far as I remember. There are other mills outside the Bombay Presidency which are carried on on very efficient lines and according to up-to-date methods and really there is no proof that the mills so conducted have suffered owing to Japanese or any other competition. But we do not want even the Bombay mills, which is the largest group and in which a very large capital has been invested, to suffer or collapse if we can help it. And that is why we have agreed to a reasonable measure of protection being given. But as I ventured to point out at an earlier stage of the Bill, protection must be given on proper conditions and only for a reasonable period.

The Select Committee had to consider the question of period for which protection should be given and there was a division of opinion on that point. I have not yet heard any good argument why three years should not be considered sufficient at this stage and why should we contemplate or why the Tariff Board have contemplated that there must be a further period of protection. I protest against that. I see no reason why a period of three years should not be considered sufficient for the textile industry of India. After all, it is not a new industry in India. It has existed for a long time and at one time—at any rate, before the power mills came into existence—it was a very flourishing industry and catered for the whole world in respect of certain classes of textile goods. Sir, similes are always dangerous. My Honourable friend, Mr. Ramaswami Mudaliar, used a simile that you do not dig up a plant by the root and examine it every time. But why should you dig up a plant after five years? If we can safely dig it up after five years, why can't we do it after three years? That is no argument.

Now, Sir, there are certain methods which the Tariff Board itself has pointed out are wrong and lead to inefficiency and which stand in the way of industries at certain places competing fairly and on reasonable terms with the outside world. Sir, it has become the fashion to say that all this misfortune is due to Japanese competition, and, therefore, we must shut out Japanese goods and then everything will be safe. But let me tell the House that everything will not be safe even if we do shut out Japanese goods. There will be other competitors: Lancashire, for instance. Are not they very solicitous about their Indian market? At a later stage, I shall have to deal with this question at some length. They are now using, for instance, Indian cotton. I do not object to that, but what I say is this. India has got many facilities which neither Japan nor Britain possess. For instance, India grows her own cotton. India has very cheap labour, perhaps as cheap as if not cheaper than Japan. I believe it is cheaper than Japan. Therefore, if we cannot compete with Lancashire and Japan, it is our own fault. I say, therefore, that three years is quite sufficient. If they want to instal up-to-date machinery,

surely they can do that. If the methods have to be improved, they can do that within that period. If labour conditions have to be improved, they must take steps at once. If labour has to be trained, why should they not train it? They have not made even a beginning in that direction. If we give a long period of protection, I am afraid, it will be an incentive to lack of initiative. It is the lack of initiative that is standing in the way. We really, earnestly and honestly wish that the industry should be improved. I, for one, would be glad if India is made absolutely self-contained in most of the things that are needed by us, such as, textiles and other commodities that can be produced in India. But we shall never reach that stage if you put a premium on what I may call negligence or inefficiency. That is absolutely clear. I want to give them this protection, but at the same time, I would lay down conditions and lay down a period of time within which those conditions must be fulfilled, so that the industry may be able to stand on its own legs. That will be in the interests of the industry itself. I think it will be a wrong policy to make the period too long. I should, therefore, strongly support the amendment that has been moved that the period should be limited to three years and if any abnormal conditions arise or for any unexpected reasons the industry is not able to defend itself against outside competition after the lapse of three years, then I have not the slightest doubt that this House will seriously consider if that period cannot be extended. But, at present, I do suggest to the Government that three years is quite a sufficient time, and it ought not to be five years.

Mr. N. M. Joshi (Nominated Non-Official): I would only make one remark on this subject, and that is that I have got some sympathy with the amendment which has been moved and which is being discussed. My Honourable friend, Diwan Bahadur Mudaliar, stated that if protection is not given for five years, or a longer period, those who are to invest money in this industry will not have security. I do not know whether this Legislature and the Government of India have given any grounds so far for any industrialist to believe that the Legislature does not do a reasonable thing by the industry. I think the Legislature and the Government of India have so far treated the industries very generously and very leniently too. If the industry does not behave reasonably and is not run efficiently and does not do what the Tariff Board has asked the industry to do, the Legislature and the Government will certainly not continue the protection. If the industry has got no confidence in the Legislature and the Government, may I ask, why the Legislature should place confidence in the industrialist and give them a longer period when they know that whatever recommendations were made by the previous Tariff Board were not given effect to and when they know that some of the recommendations made by the present Tariff Board will not be given effect to by the industrialists.

Mr. H. P. Mody: Will my Honourable friend say how many of the recommendations of the last Tariff Board have not been given effect to? We want something more than these general, vague and utterly unfounded statements.

Mr. N. M. Joshi: I shall not allow myself to be diverted from the course of my speech. I am going to make another speech during the course of the day, and I shall deal with many of the recommendations which the Tariff Board made. There is another amendment which stands in the name of my Honourable friend, Mr. Tnampan, which will give me another opportunity of dealing with the subject. I promise my Honourable friend, Mr. Mody, that I shall tell him what recommendations made by the Tariff Board were not given effect to.

Mr. Gaya Prasad Singh: In the summary of the recommendations at page 202, it is said, "little advance has been made in the housing of labour or in the organisation of welfare work".

Mr. N. M. Joshi: The Tariff Board have made many recommendations. I shall not deal with the recommendation referred to by Sir Abdur Rahim about the agency system. This agency system is being criticised for a long time, and let us know what has been done. I shall not deal with that question at all, because there is another opportunity for me to do so. My point is this. If the industrialist will not have confidence in the reasonable behaviour of the Legislature, how can the Legislature put its confidence in the industrialists? (Hear, hear.) I should like to have a straight reply to that question.

Mr. H. P. Mody: You shall have it.

Mr. N. M. Joshi: My Honourable friend, Diwan Bahadur Mudaliar, said that protection was not needed only for Bombay, but for outside factories too. I am not well aware of that fact, but I am aware of the one fact which the Tariff Board has said in its Report that there are many mills in this country which refuse to give information to the Tariff Board and these mills are outside Bombay. I am not against the industry being developed outside Bombay at all. If the Bombay industry has a right to live, I think the industry outside has also a right to live, but at the same time if these mills outside are not willing even to give information to the Tariff Board, and that information cannot be made available to the Legislature, I want to know why the Legislature should go out of its way and give a longer period to the industry, so that there need not be even a discussion of the position of the industry in this Legislature. I feel, Sir, that if the Government of India have given protection to the industry, the Government of India and the Legislature have a right to see that the industry is run efficiently. Has any provision been made in the Bill itself to see that the industry is run efficiently, and, if so, I shall certainly extend the period not only to five years, but to ten years. Are the Government of India taking power to appoint inspectors to see that the industry is run efficiently? They have got no power. Are the Government making any provision to see that the industry will be run efficiently from this period and that, after five years, the industry will not come back to us and say "we are in the same condition". What is, therefore, the justification to tell the House that the industry will be run efficiently from this period and if there is no justification, is it not better to have a shorter period and there should be another enquiry and another opportunity for this Legislature to see that the industry is run efficiently. Considering that we are not making any provision to see that the industry is run efficiently and that it will fulfil all the conditions laid down by the Tariff Board, I ask, whether it would not be better

that the period should be shorter and the Legislature and the Government of India should have an earlier opportunity of examining the condition of the industry, so that, if the industry is behaving well, protection may be continued, if not protection will be discontinued. I, therefore, hope the amendment will be accepted.

Mr. S. C. Mitra: Sir, the Tariff Board have proposed a period of ten years for protection, and I am ready to support that proposal unless the Government can convince us why on every occasion they, particularly in this Bill and some other Bills, give no attention and pay any heed to the Report of the Tariff Board, which in earlier times was considered sacrosanct. It has now become a fashion very lightly to go against the recommendations of the Tariff Board. I have said once and I repeat again that if the Government have no confidence in the present Tariff Board, they should by all means scrap that body and depend upon the Central Board of Revenue for their facts and figures. When I say that I shall be agreeable to support a ten year period, I base my argument on this that the industry should be properly protected. The consumers are ready to undergo sacrifices, because we expect a time will come when the consumers will get the benefit out of this protection. But as I gather from the Report of the Select Committee, there is nothing which the consumer will get any benefit of, within any reasonable time. In this connection, I repeat the request of Mr. Das that you, Sir, should consider some way by which we can record the views of the Select Committee in the Assembly Debates, because, after some time, the whole thing is forgotten and it is difficult to pick out the views as expressed in the Select Committee Report, published only in the Gazette of India. I should like to read a few passages from the dissenting minute of Mr. Sitaramaraju, Mr. B. Das and Dr. Ziauddin Ahmad:

"The Tariff Board is unable to say when the industry will be able to dispense with protection. In view of what was stated in the earlier part of this note, on the non-availability of information regarding the state of the industry in the country as a whole, we are not convinced that the mill industry as a whole in the country has enabled us to know the extent to which protection, if any, is necessary for the industry."

This point has also been emphasised by my Honourable friend, Mr. Joshi, that the industry that requires protection is unwilling to supply facts and figures to the Tariff Board.

They go on:

"Having regard to the fact that continued protection means continued transfer of wealth of the comparatively poorer rural classes to the relatively richer industrialised groups of interests, we would like to lay great stress on the need for having more accurate information on the condition of the industry and some amount of control on the industry itself. The Indian Mill Industry is domineered by managing agency system of firms. The Tariff Board on the cotton textile industry had come to the conclusion that this managing agency system should be statutorily controlled. The revision of the Indian Companies Act is long overdue.

The Government members of the Committee assured us that the Government propose to take steps in making changes in the Indian Companies Act."

[Mr. S. C. Mitra.]

Sir, up till now, the Commerce Member has not assured us in the House itself that he is going to take steps in this matter, and in what way:

"We regret to have to note that we are not given any indication of the nature of the steps they propose to take. We desire to express our opinion that unless the Government take effective measures to deal with inter-mill finance and check the system of finances, block capital, expenditure and the system of commissions, and other evils associated with the managing agency system, and control the other factors arising out of the financial interests of managing agents in subsidiary services, the claim for protection and the extent to which it is necessary cannot be justified. When the industry asks the country to share its troubles, the country must have the right to share in those rights which otherwise would be respected as purely private rights."

Sir, I want a reply from Government on all the points that have been raised in this note of dissent. My Honourable friend, Mr. Thampan, has tabled an amendment subsequently about terms and conditions on which protection should be granted. We demand that when we agree to put heavy burdens on the consumers in this country, we must impose conditions on the industry, and, on securing those conditions, we can ask our people to bear the additional duty cheerfully. We want a reply from the Commerce Member when he comes every time with these Tariff Bills about the conditions of protection. We should look at it, not only from the standpoint of the industry, but also from the consumers' standpoint. What is the guarantee that in future we shall have not to complain? If the legally constituted Board, after careful examination, thinks that it should be ten years, why should Government unnecessarily compromise for five years or for any shorter period? Compromises may be effected, so that the interest of both parties may, to a certain extent, be served; but what is the purpose of compromising on matters which means that it will neither serve the purpose of the millowners nor the purpose of the consumers? If we can have the assurance that, after the end of these ten years, this industry will be able to stand on its own legs and Government will not come again before the representatives of the people for further periods of protection, then, by all means, have it for the period that your experts advise you. If that be not your consideration, then you should agree to this amendment. This Bill is based primarily on the agreement with Japan; and, at the end of three years, this Agreement with Japan ceases. Then, there will be certainly time for this House to consider whether this duty should continue. After the end of this Agreement it may be necessary in the interest of the industry itself to raise the duty. If so, why should not the industry get that advantage if it is really necessary from other considerations to give greater protection? I think the industry should have confidence in the representatives of the people if they want to thrive. There is nothing specially bad in the representatives of the people that they will vote against every protective measure. We made it clear repeatedly by voting for these protective duties that we are most anxious to support our industries, but, at the same time, the time has come when we should clearly lay down conditions which must be satisfied if we are to save our poorer consumers as well. On these considerations, it is necessary that the period should be an early period, and the industrialists should not be nervous that the House will do injustice to them. Sir, I support this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Before the House is adjourned for Lunch, the Chair would remind the Honourable Members that if there is no chance of the third reading being finished by about 5-30 P.M., the House will adjourn at 5-30 and will meet again after dinner at 9 P.M. to finish this Bill.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

The Honourable Sir Joseph Bhoré: Sir, in my opening speech some days ago, I pointed out that while in no way belittling the considerations set out by the Board in favour of granting a longer period of protection, namely, ten years, we felt that we would not be justified in mortgaging the future of the consumer and of the public for a period longer than five years, despite the admitted fact of intense internal competition. But it seems to me that those considerations which were set out by the Board in favour of the longer term recommended by it are absolutely conclusive as against a further curtailment of that period. Let me read to the House the reasons given by the Board, for no words of mine can put them more forcibly :

"The problems which face the industry as a whole are unusually difficult and many-sided; and unless sufficient time is given, it will be unreasonable to expect any tangible results from the policy of protection. Even if conditions are normal, the task of reorganisation and of adjustment to new factors would involve a great deal of thinking and planning ahead. The renovation of a long-established and old industry cannot be expected to take place in strict accordance with a pre-arranged time table. It is idle to blame the industry if the time table is not followed for the process of development takes time and involves many uncertain factors. To take one aspect of the industry as an illustration, the important problem of reorganising the conditions of labour with a view to reducing the cost of labour per unit of output involves not merely co-ordinated action on the part of the employers, but patient negotiation with labour and a concerted attack upon those social conditions which lower the efficiency of labour in India. Similarly the task of reviewing the system of management and control, though easily described by facile phrases such as rationalisation and amalgamation involves stupendous difficulties, as has been well illustrated by the experience of the Lancashire Cotton Corporation."

These are the reasons and it seems to me that argument in regard to them is needless. If the House is not prepared to accept those reasons, then, by all means, let it vote for the amendment. So far as we are concerned, we think that the Tariff Board has fairly stated the case for a reasonably long period of protection. It is no question of not having confidence in the Legislature or the Government as suggested by my Honourable friend, Mr. Joshi.* The businessman must have certainty in regard to conditions which are to prevail in the industry before you can expect him to invest capital on reorganisation and readjustment; and unless he has that certainty, you cannot expect progress. We believe that a period of five years affords a reasonably long period of certainty to enable the industry to invest both effort and money in reorganisation and readjustment. Any shorter period, I submit, would entirely defeat the object of protection which we have in view. I oppose the amendment.

Mr. B. Sitaramaraju (*Ganiam cum Vizagapatam: Non-Muhammadan Rural*): May I just ask a question of the Honourable Member, whether, in view of the fact that the Japanese Agreement is going to be only for three years, there is any justification to extend the period for more than three years?

The Honourable Sir Joseph Bhoré: As far as I can see, the Japanese Agreement has really nothing to do with the question of substantive protection. Substantive protection is a different thing, and what we are asking the House to do is to commit itself to the principle of substantive protection for a period of five years.

Mr. B. Sitaramaraju: Does the Honourable Member feel that after the period of three years of the Japanese Agreement is over, new questions would not arise? Would the same conditions continue after the period of the Japanese Agreement?

The Honourable Sir Joseph Bhoré: What conditions does my Honourable friend refer to?

Mr. B. Sitaramaraju: To answer the Honourable Member I would just mention the point raised by Diwan Bahadur Ramaswami Mudaliar: supposing the Japanese Agreement falls through or they refuse to have any more of our cotton: supposing, again, people want more protection. Take, again, the other case also: there may be considerations after three years either to increase or reduce the protection.

The Honourable Sir Joseph Bhoré: My Honourable friend has evidently not done me the honour either of listening to the speech that I made on the last occasion or of reading it. I there definitely stated that, after the lapse of the Agreement between the Millowners' Association, Bombay and Lancashire, on the one hand, and the Agreement with Japan on the other, Government would have to review the position and then decide, in the light of circumstances then prevailing, what the further protection should be.

Mr. B. Sitaramaraju: Supposing there is no case for further protection?

The Honourable Sir Joseph Bhoré: I do not think I can answer a set of supplementary questions like this.

Mr. President (*The Honourable Sir Shanmukham Chetty*): The House is asked by this clause to commit itself to substantive protection for the textile industry for a period of five years: that is the simple question raised in this clause, so far as the House is concerned, on this motion.

Mr. B. Sitaramaraju: The amendment wants to limit it to three years.

Mr. President (*The Honourable Sir Shanmukham Chetty*): The question is:

"That in clause 4 of the Bill, for the figures '1930' the figures '1937' be substituted."

The Assembly divided:

AYES—19.

Abdur Rahim, Sir.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Dutt, Mr. Amar Nath.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury,
• Muhammad.
Jog, Mr. S. G.
Joshi, Mr. N. M.
Lahiri Chaudhury, Mr. D. K.
Mahapatra, Mr. Sitakanta.

Maswood Ahmad, Mr. M.
Mitra, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Parma Nand, Bhai.
Shafee Daoodi, Maulvi Muhammad.
Sitaramaraju, Mr. B.
Uppi Saheb Bahadur, Mr.
Wajihuddin, Khan Bahadur Haji.
Ziauddin Ahmad, Dr.

NOES—43.

Abdul Aziz, Khan Bahadur Mian,
Ahmad Nawaz Khan, Major Nawab.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Brij Kishore, Rai Bahadur Lala.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Dalal, Dr. R. D.
Darwin, Mr. J. H.
Graham, Sir Lancelot.
Grantham, Mr. S. G.
Hardy, Mr. G. S.
Hezlett, Mr. J.
Hudson, Sir Leslie.
Irwin, Mr. C. J.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Lindsay, Sir Darcy.
Macmillan, Mr. A. M.
Metcalfe, Mr. H. A. F.
Millar, Mr. E. S.
Mitchell, Mr. K. G.

Mitter, The Honourable Sir
Brojendra,
Mody, Mr. H. P.
Morgan, Mr. G.
Mudaliar, Diwan Bahadur A.
Ramaswami.
Mukharji, Mr. D. N.
Mukherjee, Rai Bahadur S. C.
Noyce, The Honourable Sir Frank.
O'Sullivan, Mr. D. N.
Pandit, Rao Bahadur S. R.
Rajah, Rao Bahadur M. C.
Rastogi, Mr. Badri Lal.
Rau, Mr. P. R.
Sarma, Mr. G. K. S.
Schuster, The Honourable Sir
George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar,
Captain.
Singh, Mr. Gaya Prasad.
Singh, Mr. Pradyumna Prashad.
Sloan, Mr. T.
Tottenham, Mr. G. R. F.

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, I beg to move:

"That after clause 4 of the Bill, the following new clause be added:

5. (1) From such date as may be fixed by the Governor General in Council by notification in the Gazette of India in this behalf, no joint stock company or other limited liability company or factory shall employ themselves in the manufacture of the articles for which protection is given under the provisions of this Act except under and in accordance with a license to manufacture issued under this Act.

(2) Whoever, being the Managing Director of a Joint Stock Company or other limited Liability Company or proprietor of a factory, fails to comply with the provisions of this section shall be punishable with imprisonment which may extend to two years or with fine which may extend to rupees ten thousand.

[Mr. K. P. Thampan.]

(3) The Governor General in Council may by notification in the Gazette of India make rules to prescribe—

- (a) any fee or equivalent sum to be paid to the directors and managing agents;
- (b) the annual dividend to be paid to the shareholders and other participants with limited liability;
- (c) the manner in which any further surplus shall be employed for consolidating the position of the undertaking;
- (d) the returns to be submitted periodically;
- (e) the form and conditions of the licences and the fees to be charged therefor; and
- (f) such other things as are required to carry into effect the purposes and objects of this section.' "

Mr. F. E. James: May I rise to a point of order, Sir. I wish to place before you the suggestion that this clause is not in order under this Bill

.....

An Honourable Member: Why?

Mr. F. E. James: . . . and I shall endeavour to give my reasons. First of all, this Bill is a Bill which amends the Indian Tariff Act, and, therefore, it is an Amending Bill to the Indian Tariff Act. It is not a purely protective Bill in the sense, for example, that the Match Protection Bill was a Protective Bill or that the Sugar Protection Bill was a Protective Bill. Those Bills dealt with one class of articles and were designed purely to give protection to that particular class. This Bill undoubtedly is designed by amending the Tariff Act to give protection, but it is designed for other purposes as well. Not only designed to give protection to the textile and sericultural industry, it is also designed to put into operation certain agreements which have been arrived at on the one hand, by private bodies, and, on the other hand, by two important Governments.

Mr. K. P. Thampan: Is there any reference to those two agreements in the Bill?

Mr. F. E. James: Perhaps my Honourable friend will allow me, to follow my argument, and then he is at perfect liberty to reply. That fact is shown by reason of certain provisions in the Bill which do not raise the duties, but which lower the duties, and there are certain articles which do not come under the protective Schedules. It may be argued that in actual fact this is a Bill which gives substantive protection, as the Honourable the Commerce Member has just stated, to the textile industry. That may be so, as a matter of fact, but the Bill still remains a Tariff Amending Bill and seeks to amend the Indian Tariff Act of 1894. It may be argued that it would have been better to have introduced it as a straight Protection Bill, but the method that has been chosen for good or for ill is the method of amending the existing Tariff Act. Sir, I would draw your attention to one part of the amendment of my Honourable friend, Mr. Thampan, in which he says:

"No joint stock company or other limited company or factory shall employ themselves in the manufacture of the articles for which protection is given under the provisions of this Act except under and in accordance with a license to manufacture issued under this Act."

I am not sure whether that Act refers to the Tariff Act or only to this Tariff Amending Bill. In the former case, it would refer to a very large number of articles if this particular Bill becomes part of the Tariff Act of 1894. I submit that all these things which would come in here might operate in regard to a large number of articles which might not come in under this particular form of legislation. I am not raising this objection to be obstructive in any way, but I feel it my duty to do so, because of the fact that these proposals have been introduced in this form. Honourable Members, who were on the Select Committee, are aware of the fact that this matter was discussed in the Select Committee. I am quite aware that any ruling in that Committee has absolutely nothing whatever to do with whatever ruling you, Sir, may be pleased to give in this House. But inasmuch as a ruling was given in the Select Committee, I felt it my duty to raise this matter on the floor of the House and secure your ruling in regard to this matter, so that in future we might be under no ambiguity as to the course which should be adopted.

The Honourable Sir Brojendra Mitter (Leader of the House): I have looked into this question. As Mr. James has said, this matter was raised in the Select Committee. There are two ways of looking at it, one to take a strict view of it, and the other, to take a liberal view of it. On a strict view, if you take this Bill to be a pure Tariff Bill, the amendment is out of order; but, on a liberal view, if it be taken, although it is a Tariff Bill in form, but in substance it is a protective measure—then a condition to be imposed upon the parties to be protected would be in order. There are thus these two possible ways of looking at it. In Committee, I took the strict view and I ruled the amendment out of order. But the matter, as I say, is doubtful, and we shall be glad to have your ruling.

Sir Abdur Rahim: I think if my Honourable friend will look at the Preamble of the Bill, it is this:

“Whereas it is expedient further to amend the Indian Tariff Act, 1894, for the purpose of affording protection to the sericultural industry and to the cotton and silk textile industries in British India and for certain other purposes”

That seems to settle this question. The very object of the Bill is to afford protection to these very industries. Supposing a separate Bill was introduced for the purpose of protection of these industries instead of amending the Tariff Act, they would have to repeat these provisions in that separate Bill. Therefore, this is, not only in substance, but in the very language of the Preamble, a protective measure, and, therefore, I do not see how the amendment can be said to be out of order.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): As my Honourable friend, Sir Abdur Rahim, has pointed out, the object of this Bill is to be gathered from the Preamble, and, as has been stated by him, the object is clearly to afford protection to certain well defined industries. Not merely that, look at clause 1, the name of the Act, It says:

“This Act may be called the Indian Tariff (Textile Protection) Amendment Act, 1934.”

[Mr. K. C. Neogy.]

It is not a normal and ordinary amendment of the Tariff Act which is sought to be made in this Bill. Mr. James asked, what is the meaning of the words "This Act" in the amendment of my Honourable friend, Mr. Thampan. "This Act" means this Act, and the Honourable Member will find that clause 1 says, "This Act may be called the Indian Tariff . . . Act". Protection can be given either by way of bounties or by way of a tariff wall. When it is by bounties, an amendment of the Tariff Act is not needed, but when it is given by raising a tariff wall, the Tariff Act has to be amended. That is only a manner of giving protection. That has nothing to do with the question as to whether we are or we are not entitled to attach certain conditions to the protection that may be given. That is all I have to submit.

The Honourable Sir Brojendra Mitter: May I say one word in regard to what Mr. Neogy has just now said? Without for a moment contesting the fact that this is in substance a protective Bill,—I said that in my previous submission to you—I want to say this that neither the Preamble nor the marginal note is a part of an Act. Therefore, when it is said that the Preamble concludes the matter, my submission is that the Preamble does not conclude the matter.

Mr. K. C. Neogy: What about the title: "This Act may be called the Indian Tariff (Textile Protection) Amendment Act, 1934"?

The Honourable Sir Brojendra Mitter: The operative portion of the Bill is really the law. Neither the title, nor the Preamble, nor any marginal note is the operative portion of any enactment. That is what I want to point out; but, at the same time, as I say, I do not contest the fact that it is in substance a protective measure.

Mr. H. P. Mody: There is only one point which I wish to raise in this connection. If this amendment is held to be in order, whenever an industry comes up to this House for protection the whole of the Indian Companies Act, so far as that particular industry is concerned, can be altered out of recognition. We may have in the case of cement industry one Indian Companies Act, we may have in the case of the textile industry another Indian Companies Act, and so on. What this amendment seeks to do is to alter the whole object of the Indian Companies Act which is to regulate the conditions in which companies shall work. These clauses in the amendment of my Honourable friend are far too sweeping and I am wondering whether they can be held to be in order when the whole object of it is to blot out the Indian Companies Act from the Statute-book.

Mr. President (The Honourable Sir Shanmukham Chetty): In deciding the admissibility or otherwise of Mr. Thampan's amendment, the Chair has first to decide the scope and purpose of the Bill. The Chair agrees with the Leader of the Opposition that this Bill must be construed as being primarily intended for affording protection to certain industries. The amendment of the Indian Tariff Act is the means by which that object is achieved. Therefore, the primary scope and purpose of the Bill is to afford protection for certain industries. That being the scope and purpose of the Bill, the Chair has now to decide whether, in

view of that, the amendment is in order. The opinion of the Chair is that when the Indian Legislature agrees to give protection to a certain industry, it is entitled to say that the industry shall enjoy that protection only if it satisfies certain conditions laid down by the House. Viewed from that point of view, the Chair has no hesitation in holding that the amendment is in order. This ruling is supported also by a previous ruling given by the Chair. On the 4th June, 1924, when the Steel (Protection) Bill was being discussed, Mr. V. J. Patel wanted to move a clause to this effect:

"Provided that nothing in this section shall apply to any company, firm or other person who starts the business of manufacturing steel after the passing of this Act, except to the extent and in the manner to be determined by a Resolution of the Legislative Assembly in that behalf."

and the Chair ruled on that occasion:

"I have heard sufficiently on the point of order. In the light of the discussion that has taken place, I have now come to the conclusion that, as pointed out by Pandit Motilal Nehru, this amendment really circumscribes the scope of the Bill and limits it to companies of a particular kind, and, that being the case, I am now of the view that it is not out of order."

The Chair, therefore, holds that the amendment of Mr. Thampan is in order.

Mr. K. P. Thampan: Sir, we, on this side, are very grateful to you for your ruling.

The Honourable Sir Brojendra Mitter: We are all grateful for a clear ruling, either on this side or that side.

Mr. H. P. Mody: We can be grateful, but we can be unhappy also.

Mr. K. P. Thampan: I shall be very brief in my speech; but I expect my friends, who are more competent to do so, to develop it. It has been said by the Fiscal Commission that unless an industry is in a position to stand on its own legs by the time the period of protection is over, no protection ought to be given. The Tariff Board in their Report say that many textile factories in India cannot realise any return on their capital under the present circumstances, and, not only that, they could not even forecast at what time the industry will be in a position to sustain itself.

Sir, in connection with the Safeguarding Bill, I had to invite the attention of the House regarding the comparative inefficiency of the Bombay mills in particular as compared with the mills and factories in Japan and Great Britain. The industry has had some kind of protection already for a long time and they seem to have not availed themselves of that opportunity and done anything to strengthen itself. I am afraid that, even if it can, the industry will not do anything during the five years of protection that we are going to extend to it under the provisions of this Bill. I would like to ask the Government whom they propose to protect. Is it the capitalist, or the shareholders, the managing agents or the industry itself? Sir, any one, out of philanthropic motive, desiring to give milk to poor or orphan children, must see that it is the children that get it and not the guardians who are in charge of them. He can ask the

[Mr. K. P. Thampan.]

children to be brought to them and the milk given to them in their presence. It would not be the right thing to do if, during the period of protection, the shareholders are helped to get 50 or 60 per cent dividend, or the managing agents to get their commission on sales, purchases, insurance, etc., etc. *ad infinitum*. The Tariff Board recommend legislation regarding the restriction or the rights of the managing agents. I do not propose to read their recommendations. They are mentioned in paragraphs 81 and 82 of the Report. There are also other suggestions made in paragraphs 51 and 53 of the summary of their proposals. The Bill does not provide for any such control. I had occasion to state in this House that during the boom period I myself got more than 50 per cent dividend for my shares in one or two mills. The Managing Directors did not care to reserve any money for the rainy day. I was perfectly glad to have my 50 per cent dividend, but that was not a judicious way of managing the industry. If the industry expects any protection from the Legislature, the Legislature has got the right to lay down certain conditions under which alone that protection might be given to the industry. So long as we cannot be certain that the benefits of protection will not be used, to strengthen and consolidate the industry, we have no right to tax the consumer, and if we tax the consumer, we have every right to see that the money is judiciously spent. If the Government accept this amendment, I have no objection to extend the period of protection to ten years, as recommended by the Tariff Board. There is no harm in doing that. I am aware that, being a layman, the amendment, I have drawn up, might not be quite correct in form. My friend, Mr. Joshi, has given notice of further amendments. The idea is to issue licenses to factories that satisfy the rules laid down for the purpose and penalise illicit manufacture. If the principle of my amendment is accepted, I have no objection to accepting any alteration in the wording. I only want the money taken from the consumer is reduced to what I may call a robbery, because it will be tantamount to it if the money is not properly used. We have no right to rob Peter in order to pay Paul. With these words, I commend my amendment to the House.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That after clause 4 of the Bill, the following new clause be added :

'5. (1) From such date as may be fixed by the Governor General in Council by notification in the *Gazette of India* in this behalf, no joint stock company or other limited liability company or factory shall employ themselves in the manufacture of the articles for which protection is given under the provisions of this Act except under and in accordance with a license to manufacture issued under this Act.

(2) Whoever, being the Managing Director of a Joint Stock Company or other limited Liability Company or proprietor of a factory, fails to comply with the provisions of this section shall be punishable with imprisonment which may extend to two years or with fine which may extend to rupees ten thousand.

(3) The Governor General in Council may by notification in the *Gazette of India* make rules to prescribe—

- (a) any fee or equivalent sum to be paid to the directors and managing agents;
- (b) the annual dividend to be paid to the Shareholders and other participants with limited liability;
- (c) the manner in which any further surplus shall be employed for consolidating the position of the undertaking;

- (d) the returns to be submitted periodically;
- (e) the form and conditions of the licences and the fees to be charged therefor; and
- (f) such other things as are required to carry into effect the purposes and objects of this section."

Mr. N. M. Joshi: Sir, I move:

"That in new clause 5 of the proposed amendment....."

Sir Lancelot Graham (Secretary, Legislative Department): On a point of order. We have been looking up the proceedings of 1924. On that occasion, Mr. Patel moved an amendment which was in the interests of the protection of labour. On that occasion, the Chair ruled that an amendment, which was frankly in the interests of the protection of labour and not for the protection of the industry, was outside the scope of the Bill. I am referring to Vol. IV, Part IV, 27th May to 11th June, page 2564.

Dr. Ziauddin Ahmad: What is the point of order?

Sir Lancelot Graham: The point of order is that this amendment for the protection of labour is outside the scope of the Bill.

Mr. S. C. Mitra: The Honourable Member has not moved his amendment.

Sir Lancelot Graham: The amendment is on the order paper. If the Honourable Member has not read it, it is not my fault, The quotation is from page 2564, at the foot of it:

"Subject to such conditions as regards the treatment of labour as he may from time to time by rules prescribe."

That seems to me to be in the same category as Mr. Joshi's amendment which relates to "the conditions of life and work that should be provided for the workers employed". I cannot find it possible to distinguish those two. The President said on that occasion (Legislative Assembly Debates, Vol. IV, Part IV, page 2566):

"I have on a previous occasion indicated that in my view that is outside the scope of the Bill; and Honourable Members will see that the Select Committee have made a certain recommendation on that point."

My Honourable friend, Mr. Joshi, on that occasion had an argument with the Chair—not for the first time, and the President then said:

"I am perfectly aware that the Honourable Member has been a Member of the Legislative Assembly for many years; so have other Members; but, as I have said, I can only allow Members who have given notice of amendments to speak on points of order arising with regard to them.....I have no doubt that Mr. Patel's amendment is out of order, because it deals with a different and foreign subject altogether."

Sir, I find it very difficult to distinguish Mr. Joshi's present amendment and the one which formed the subject of the President's ruling to which I have now called attention. The subject which my friend wants to introduce is "protection of labour", but this Bill is not for that purpose at all. It is for the protection of a particular industry, and not for

[Sir Lancelot Graham.]

the protection of labour. The protection of labour is a wide subject by itself and must be dealt with on its own merits on a separate occasion. I think, Sir, that that ruling fully covers Mr. Joshi's amendment. That is, as regards "the conditions of life and work that should be provided for the workers employed", I am not quite sure what is the purpose of my friend's further amendment. He talks of "the prices to be charged for the articles produced", and, knowing Mr. Joshi, I have my suspicions that that is also in the interest of workers; and then my friend goes on :

"(f) Such other conditions as the Governor General in Council may lay down in the interest of the country and of the industry."

Sir, I do not quite know what Mr. Joshi has in mind,—perhaps you, Sir, will ascertain,—but I am quite certain that in so far as he proposes to introduce the subject of "the conditions of life and work that should be provided for the workers employed", that part of the amendment does come within the ruling given by the Honourable the President on the 4th June, 1924.

Mr. N. M. Joshi: May I say a word about the point of order, Sir? I was a Member when this question was discussed. I was present in the House and I shall give a history of that question. I had given notice myself of a similar amendment and the Chair had ruled that amendment out of order; but, afterwards, on an important issue concerning the capitalists, the "conditions" again came before the Chair, and if you will mark the words there, you will find that the Chair ruled that "now I decide that that question is in order"—that is, at first the Chair was intending to give a different ruling, but the Chair changed the ruling. What happened at that time is this. The Chair had ruled one of my amendments out of order. The Chair changed the ruling afterwards on another similar amendment when the Chair heard the whole discussion. The Chair could not at that very meeting change its decision on my amendment, but I would draw your attention to the 1928 Debates (Simla Session), Vol. IV, page 976, on the Match Protection Bill. I shall read one clause of my amendment:

"to produce a certificate that the labour conditions in the undertaking are satisfactory from a committee of three persons appointed by the Government of India for the purpose."

That amendment was not only discussed, but voted upon, and I do not see that my amendment is in any way different from that amendment which was discussed in this Legislature and voted upon. I, therefore, feel that my amendment is entirely in order. Moreover, there is one consideration. Is it right that we should accept such conditions as regards capital as, for instance, that "the capital should be Indian", "it should be rupee capital", but we should refuse to put down a condition about labour? I cannot understand how we can accept one class of conditions, but rule out another. Sir, Government have always been putting up an obstructionist attitude every time, and I hope that the question will now once for all be decided. This is not the first time that obstructionist tactics have been employed by Government.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The ruling pointed out by the Honourable the Legislative Secretary certainly makes the position difficult, because, according to that ruling, the Chair definitely ruled out of order amendments trying to regulate labour conditions in an industry; but the Chair now finds that the President on that occasion—perhaps at a later stage—gave the ruling to which the Chair drew the attention of the House just now. From this the Chair has to conclude that the President changed his mind; and in the opinion of the Chair his later ruling is more equitable than the first ruling (Hear, hear), especially in view of the fact that Mr. Joshi has drawn attention to a ruling in 1928 on a similar amendment. The Chair must, therefore, hold that the amendment of Mr. Joshi is in order. (Applause.) At the same time, the Chair would point out that while it holds that Mr. Joshi's amendment is in order, an elaborate discussion on labour conditions will be out of place on this amendment.

Mr. N. M. Joshi: Sir, I have been moving similar amendments for a number of years, and this struggle has been carried on for ten years. Is it not time, I ask, that Government should, with a good grace, accept the position that during the discussion of the Tariff Bills, there will be a discussion of the conditions on which protection should be granted. I hope that hereafter there will be no obstruction from the Government or their friends.

Sir, I move:

"That in new clause 5 of the proposed amendment by Mr. K. P. Thampan, after part (c) of sub-clause (2), the following be inserted and the subsequent parts be re-lettered accordingly:

(d) The conditions of life and work that should be provided for the workers employed;

(e) The prices to be charged for the articles produced;

(f) Such other conditions as the Governor General in Council may lay down in the interest of the country and of the industry.' "

Sir, in supporting the amendment of my Honourable friend, Mr. Thampan, as amended by my amendment, let me, in the first place, say that I have always pleaded for the protection of the industries and for the development of industries in this country, not only in the interests of the capitalists, but in the interests of labour also. When the question of protection is discussed and I put before the Legislature certain conditions and proposals, I do so because, whatever the people here may say, I am interested in the industry as much as any other section of this Legislature. If we are to talk personally in this matter, I have been interested in the industry much longer than my Honourable friend, Mr. Mody, or even the Honourable the Commerce Member. Sir, my interest is a life-long one. The interests of the Honourable the Commerce Member lasts for five years, and my Honourable friend, Mr. Mody, has already changed his industry. I, therefore, feel that when I make these proposals, the House should accept my proposals as intended in the interests of the industry itself.

When I spoke on the motion for referring the Bill to the Select Committee, I first stated that before protection was given or at least during the period of protection, we should take steps to see that the industry was conducted efficiently, and if the industry required re-organisation, that

[Mr. N. M. Joshi.]

re-organisation should be enforced. The Honourable the Commerce Member at that time stated that my proposals were the proposals of a man who was eagle-eyed. I am an ordinary man interested in the industry, especially the cotton textile industry, and I assure the Honourable the Commerce Member that the ideas which I place before the Legislature are not chimerical nor even original. I generally borrow my proposals and my ideas from our English masters. Sir, in England, there is a growing feeling in the country that if an industry is to be protected, the country and the nation has a right to insist that the industry will re-organise itself. It is not the feeling of a man who has the eyes of an eagle. I would, therefore, draw the attention of the Honourable the Commerce Member to certain proposals which are made in Great Britain itself when the iron and steel industry wanted protection. The Government insisted first that if the protection was to be continued, the industry within a certain time must organise itself, and they did not give five years to the industry to organise itself. Nobody likes re-organisation. The Honourable the Commerce Member said that these talks of re-organisation and amalgamation are facile. Well, Sir, if you take the view that all these talks of improvements and new ideas are facile, you are entitled to that view.

The Honourable Sir Joseph Bhore: I was quoting the Report of the Tariff Board.

Mr. N. M. Joshi: I did not understand that my Honourable friend, the Commerce Member, disagreed with the views of the Tariff Board. If he had disagreed, he should have stated that he disagreed with the views of the Tariff Board. I will tell you now what happened in England. I will read a statement that appeared in the newspapers.

"Further opposition in England to the scheme of the National Federation of Iron and Steel Manufacturers for the reorganisation of the iron and steel industry, as now drafted, is reported."

There was first opposition. Whenever any proposal for reorganisation is brought forward, the industry opposes. The industry is opposed on individualistic principles. Take Lancashire. It is absolutely opposed to any scheme of reorganisation. That is a natural feeling of the industrialists. But, Sir, let us see what happened when Government insisted that the protection will not be continued unless the industry reorganised itself. I shall tell you what appeared in this morning's *Statesman*:

"The biggest attempt at industrial reorganisation yet launched in Britain is contained in the draft of a five-year plan to reorganise the iron and steel industry, giving the British Iron and Steel Federation ample control of the industry throughout the Empire."

It is understood that the scheme has been approved by the Treasury and therefore, the present duty of 33½ per cent on imported iron and steel, at present due to expire in October and imposed on the condition that the industry reorganise itself, will continue."

Sir, it did not take five years for the iron and steel industry of Great Britain to reorganise itself, because the Government insisted that if the protection was to be continued the industry must reorganise itself. I,

therefore, feel that if we ask that the industry should reorganise itself, we are not merely talking in a facile manner. We are making proposals which have succeeded in Great Britain.

Mr. H. P. Mody: Where?

Mr. N. M. Joshi: I have given you the quotation. The iron industry has now agreed to reorganise itself and it has agreed to do so, because the Government insisted that, if this was not done, the protection would not be continued. Sir, it is natural that there should be, in the beginning, opposition from the industrialists, but it is for the Government to insist upon the reform. If the Government are going to protect the industry, then the industry must organise itself. I stated in the speech which I made some days ago that in Bombay itself a scheme of amalgamation was proposed and some people did not approve of it. Now, Sir, that scheme itself would have been adopted if Government had made a condition that some scheme of amalgamation was absolutely necessary before protection was given. As a matter of fact, Government in Great Britain have used their power to compel the industry to reorganise itself, not only in iron and steel trade, but they are forcing the coal industry to reorganise itself under the powers given to the Government by an Act of Parliament. I, therefore, suggest that the Government of India should insist that if the industry is to receive protection, that protection can only be conditional. The first proposal that I would make to the Government in this connection is that they should insist that the whole industry in the country shall organise itself into one organisation. It may be argued that if you organise the whole industry into one big amalgamation, that big amalgamation may get the monopoly of the industry in the country and a monopoly in private hands is not a good thing. I agree with that proposition, but it is not necessary that the industry should entirely remain in private hands. It is in the hands of the Government to control a monopoly if Government find that the monopoly is wrongly used. I am not afraid of the whole industry in the country organising itself and even creating a monopoly, because I feel that, even if a monopoly is created, it will be much easier for the Government of India to control that industry when it is organised than it would be possible for them to control the industry when it is not organised. Sir, my second proposal is that, after the industry is organised, the Government of India should lay down certain conditions. I fully agree to the conditions which are proposed by my Honourable friend, Mr. Thampan, in his amendment, namely, that there must be a limit to the dividends which a protected industry will distribute to its shareholders. It will be agreed that when we decide to give protection to an industry by restricting the imports from other countries, we ask the consumers in this country to make sacrifices. If that is so, should not the shareholders make some sacrifices? It may be said that if all the shareholders of any industry are getting good dividends, the Tariff Board will not recommend protection for that industry. But, Sir, that is not what is happening. I myself suggested in one of my previous speeches a few days ago that protection should be given to an industry which, as a whole, is making a loss. Unfortunately the Tariff Board does not take out a balance sheet of the industries as a whole. The Tariff Board tests a few mills here and there and if it comes to the conclusion on the basis of the knowledge which it gets, that protection is necessary, the Board recommends protection.

[Mr. N. M. Joshi.]

Under these circumstances, it is quite possible that some mills in Bombay may be making losses, but the mills in other places may be making profits. If an industry, where a large number of mills are making already good profits, gets protection, they will make further profits and distribute larger dividends. Is it not necessary in those circumstances to see that those larger dividends are not squandered away? What is the guarantee under this Bill, at it is, that those mills which are making profits will not squander away those profits by distributing larger dividends? What may happen is this. Today some mills may be doing very badly, and therefore, you give the industry protection. Now, under the present circumstances, when you are giving protection, there are some mills which are doing very badly indeed. What may happen in the future is that those mills, which are doing badly today, and, on the basis of which protection is given, may prosper after some days and those mills which are prosperous today may be doing badly after five years. Now, the people in Bombay may organise themselves and may become prosperous after five years. After five years the people in Cawnpore and Madras may be in bad condition and they will say that Bombay is prosperous, but we want protection for Madras and Cawnpore. Is it not, therefore, necessary to see that those companies which are doing well at present should not be allowed to fritter away their resources in distributing dividends when they are making profits? I feel that a condition of this kind is absolutely necessary in the interests, not only of the consumers, but of the industry itself.

I would also suggest that besides laying down these conditions we can insist that the industry should give effect, within a certain period, to the other conditions which have been proposed by the Tariff Board itself. The Tariff Board complains that the proposal of the Committee presided over by Sir Frank Noyce recommended that the Millowners Association—I am giving one of the conditions which they did not fulfil—should have mutual insurance organisation and the Tariff Board complains that the millowners have not done this. There are several other things which the Tariff Board suggest and the millowners did not do. How can you enforce these conditions unless you have a general clause like the one suggested? The Tariff Board has been suggesting that not only in the matter of insurance the millowners should patronise Indian undertakings, but the Indian industry should also try its very best to patronise Indian stores. Is it not open to us to ask the industry why, when the industry has been conducted for more than fifty years, all the stores required for the textile industry are not manufactured in this country. Sir, it is a very pertinent question to ask that if the country is going to give protection to the textile industry, should not the textile industry itself give some kind of protection and encouragement to the other industries the goods of which are required by the textile industry? One word about the labour conditions, and I assure you that I shall not raise a very long debate on that point.

When I mentioned some of the things which the Tariff Board of 1927 had recommended for the millowners of Bombay and other places to be given effect to, the Honourable the Commerce Member said that these labour questions were not fit subjects of conditions for protection. He said if certain improvements in the conditions of labour are necessary, well, they should be made without any consideration of the fact that we are protecting that industry—I always have fought for improving the conditions of

labour even in industries which are not protected. But I hope the Commerce Member will admit that when the Government, at the cost of the consumers of the country, protect an industry, does not that very fact give a greater and an additional right to the Government to impose certain conditions regarding the life and work of labour on an industry? I hope the point is clear that when an industry asks for protection for itself and over the capital invested in that industry, it should receive the profits and dividends, is not a measure of that kind a fit opportunity to insist that if you ask that your money should be safe, or that your money should receive a good reward by way of dividends, it is necessary that we should insist that those people who are working in the industry should be treated properly. Whatever he may have said last time, I hope the Honourable the Commerce Member will not plead again that the fact of our giving protection to that industry does not give us a claim to insist that the industry shall treat its labour fairly. May I go a step further and say that ordinarily the Government enforce certain standards as regards labour matters in all industries. The Government are supposed to restrict hours of work in an industry. Government legislate on certain other well known matters, but there are sundry other matters which Government are not supposed to control; not that I agree with that view—I would control an industry even in small particulars. I know what view the Government and the Legislature hold. The Government will not ordinarily like to control an industry in all matters, but when a Government protect an industry, on that occasion the Government have a special right to insist that although in certain industries Government will not interfere as regards certain small matters in this particular industry on account of the protection given to that industry, the Government have a right to interfere.

Sir, I wish only to mention a few points which are not necessarily fit subjects of legislation by Government but which Government can insist upon the industry when they give protection to that industry. Sir, the Committee, presided over by my Honourable friend, Sir Frank Noyce, insisted that the textile industry in the country should make provision for what is known in Government service as leave reserve. There are always some workers absent from work, and, therefore, the proposal of that Committee was that the millowners generally should appoint 10 or 15 per cent more people than are necessary. This condition may not be enforced on all industries which are not protected by legislation, but when an industry is protected and a Tariff Board makes that suggestion, is it not open to us to lay down a condition in the Bill itself giving power to Government to see that these recommendations are given effect to? Sir, I shall give another instance, standardisation of wages. That was the suggestion of the Noyce Committee. What has been done by the industry itself?

The Honourable Sir Frank Noyce (Member for Industries and Labour). What has labour done to help?

Mr. N. M. Joshi: I shall come to that argument later on. Sir, there are other suggestions made as regards the removal of abuses of recruitment. It is quite possible that abuses regarding recruitment of labour cannot be controlled by legislation, but it is quite possible for Government, when they are giving protection to an industry, to insist that these evils regarding recruitment are removed. Sir, I shall not take up more time

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of the House in dealing with the details of this question. My Honourable friend, Sir Frank Noyce, asked me what labour has done, and the same question in another form was asked by my Honourable friend, Mr. Mody.

Mr. H. P. Mody: A very inconvenient question.

Mr. N. M. Joshi: The question is not inconvenient at all. If there is any fault in labour, is labour in India in such a position that it should be held responsible for not improving itself? Sir, I should like this House to remember one thing which has been stated by the Tariff Board. The Tariff Board states that the prosperity of the Japanese industry and the efficiency of the Japanese industry is due to the compulsory system of education in Japan. May I ask, what the Governments and the industry have done as regards the education of the working classes of this country? Did they ever bring forward a Bill insisting that compulsory education shall be given to the working classes in this country?

Mr. H. P. Mody: In Bombay, in the mill area, there is compulsory education.

Mr. N. M. Joshi: In Bombay, in the mill area, there has been compulsory education for a few years. That compulsory system of education could not have educated the people who are already working there. Sir, we did not educate our people. We denied education to the working classes in this country, and when the working classes have no means of improving themselves open to them, there comes the Honourable Member in charge of Industries and Labour to ask what did the workers do. He failed in his duty as Member for Labour

The Honourable Sir Frank Noyce: I was not asking so much what the workers have done, but what the labour leaders have done.

Mr. N. M. Joshi: I shall come to that also. Sir, the Honourable Member in charge of Industries and Labour cannot say that his Government have given education to the working classes in this country. On the other hand, the Government of India opposed Mr. Gokhale's Education Bill tooth and nail. They denied education to the working classes in this country and then they say: "What did labour do?" They now change their ground and say: "What did labour leaders do?" Well, Sir, I am quite prepared to admit that the labour leaders in this country are the worst lot of people, but are they the only people who should be held responsible for improving the condition of the working classes in this country? Have not the Government of India, with all their resources, any responsibility in that matter? Have not the employers any responsibility in that matter? I shall not say what we have done. I am quite prepared to have my conduct judged by the public. It is open, there is nothing secret about it. But I would ask the Honourable Member in charge of the Department of Industries and Labour to scrutinise his own conduct as a Member of Government, as to what they have done to educate the working classes in this country. I should like my Honourable friend, Mr. Mody, to examine his own conduct and say what he has done. Sir, my Honourable friend,

Mr. Mody, the other day, made fun of the fact, and the Honourable Member in charge of the Department of Industries and Labour also some days ago made fun of the fact, that I go to Europe, I go to Delhi and Simla, etc.

Mr. H. P. Mody: Everywhere else except in the mill area.

Mr. N. M. Joshi: Sir, I do that. What is their objection? Is it their objection that no labour representative should go to the conferences at Geneva? Is it their objection that no representative of labour should attend the Round Table Conferences? Is it their objection that there should be nobody in this House to speak in this Legislature on behalf of labour? If they do not object to all that, may I ask, whether they object to me personally? If they do that, may I tell them that my presence in this House is due to the nomination by the Governor General? The way to the Government House is better known to my Honourable friend, Mr. Mody, than to me. I hope, Sir, that my Honourable friend, Mr. Mody, should, in the interest of the industry itself, himself insist that not only should labour be represented at the Round Table Conferences, at the conferences held at Geneva and in this Legislature, but he should also insist that labour should be represented at every conference where industrial questions are being discussed. Sir, you yourself attended the conference at Ottawa and you know that with the British Delegation there went a representative of the British Trade Union Congress. Sir, when the Government of India discussed the question of trade, specially the textile trade, with the Japanese, my Honourable friend, Mr. Mody, should have himself insisted that a labour representative should be present during the discussions. I ask him, when the British Trade Union Congress is represented in all such discussions, why did he not ask some one from labour to sit with him in discussing his pact with Lancashire?

Mr. H. P. Mody: If my Honourable friend will allow me to interrupt him, I did not object to my Honourable friend, Mr. Joshi, joy-riding from one place to another. All that I said was that occasionally he might get into the mill area and see things for himself.

Mr. N. M. Joshi: I shall not ask my Honourable friend, Mr. Mody, what amount of time he has spent in the mill area, but I shall say one thing. I am quite prepared to have the time spent in the mill area of Bombay by my Honourable friend, Mr. Mody, and the time spent by me to be examined by an impartial tribunal, and I assure him that the decision of the tribunal will go in my favour. It is wrong for any one, either for the Honourable Member in charge of the Department of Industries and Labour, or for my Honourable friend, Mr. Mody, to make fun of these facts

The Honourable Sir Frank Noyce: I can assure my Honourable friend that any remarks I have made on the subject were meant in all seriousness: I am not in the habit of making fun of labour leaders or, for that matter, of capitalists either.

Mr. N. M. Joshi: It is a great pity that the Honourable Member should really have an objection to any labour representatives attending conferences where the interests of labour have to be represented

Sir Leslie Hudson (Bombay: European): May I ask whether this is relevant to the amendment before the House?

Mr. N. M. Joshi: If it is relevant for other people to refer to these matters in the discussion, it is relevant for me too: it may not be pleasant to my Honourable friend, Sir Leslie Hudson, to hear that

Sir Leslie Hudson: So far as I know, the only person who has made reference to this is the Honourable Member himself.

Mr. N. M. Joshi: The Honourable Member perhaps did not hear the speech of my Honourable friend, Mr. Mody, when he spoke on the motion to refer the Bill to Select Committee.

Sir Leslie Hudson: I thought we were talking on the amendment before the House.

Mr. N. M. Joshi: I do not know much of parliamentary privileges; but I know this, that when a Member speaks and he is attacked after he speaks and when the Member gets another opportunity of replying where he can really reply to the charges which have been made against him, it is his privilege to utilise that opportunity. I am quite prepared to learn parliamentary manners from my Honourable friend, Sir Leslie Hudson

Sir Leslie Hudson: I can assure my Honourable friend that I was not talking about the Honourable gentleman's manners. I was merely talking about the question of relevancy to the amendment before the House.

Mr. N. M. Joshi: I hope that it is much better if my Honourable friend, Mr. Mody, will look at Indian labour a little more kindly than he has been doing. I, therefore, hold that when we are protecting an industry, we should insist upon certain conditions being observed by that industry. We should insist that the industry should reorganise itself; we should insist that the industry shall not squander away its resources in distributing dividends; we should also insist that the industry will treat labour engaged in that industry fairly and justly. I hope the amendment will be accepted.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendment moved:

"That in new clause 5 of the proposed amendment by Mr. K. P. Thampan, after part (c) of sub-clause (2), the following be inserted and the subsequent parts be re-lettered accordingly:

'(d) The conditions of life and work that should be provided for the workers employed;

(e) The prices to be charged for the articles produced;

(f) Such other conditions as the Governor General in Council may lay down in the interest of the country and of the industry.' "

Mr. A. G. Olow: Sir, my Honourable friend, Mr. Joshi, has been endeavouring to convince the House that it is a sound principle—I think he said that the principle to him was abundantly clear—that when you are protecting an industry, you should endeavour to secure some special protection for labour. At first sight, that is, particularly to any one who like myself is anxious to secure the betterment of labour, a very attractive

proposition. You say "Here you are protecting capital. Why not hold the scales even and protect labour too?" It is a question that has come up on several occasions in the past, and I would like to say that, so far as I have been able to study it, I am firmly convinced that if the House gave an assent to a proposition of that kind, they would be standing on extremely dangerous ground. After all, protection, I think Mr. Joshi said, is a form of taxing the consumer, taxing the people for certain interests. Let us accept that. You are taxing the people in order to encourage industries which you believe will be useful to the country. If you are giving the right amount of benefit, Mr. Joshi's belief really means this: that when an industry comes for protection, you must tax the people a little further, in order that the labour in that industry may also benefit. There is a good deal to be said for and against taxing the community in favour of industrial labour. But I do suggest that if taxation is going to be imposed for that purpose, the results should be directed to those industries in which labour needs it most and they should not be diverted to those industries which, on account of circumstances entirely unconnected with labour, have to come to this House for protection. I oppose the amendment.

Mr. B. Das: Sir, I rise to support the amendment moved by my friend, Mr. Thampan. The history of protection for ten long years we all are aware of. During this period, my friend, Mr. Joshi, has fought representatives of capital like my friend, Mr. Mody. We, as representatives of the people, have tried to hold the balance between capital and labour, between the aggressiveness of capital and the soft pleadings of labour, and at the same time we have tried to safeguard the interests, not only of consumers, but of the State and the country at large. In 1924, Mr. Joshi, with the temerity of labour, came to a House full of capitalists and big guns, and, whenever Mr. Joshi raised any plea on behalf of labour, it was drowned by the loud noises that emanated from the big guns. The lip sympathy which my Honourable friend, Mr. Clow, just now showed to my friend, Mr. Joshi, is just a reflection of that old tradition to which, not only the Government of India, but this House is accustomed. Things went on in that way till we came to the period 1931. I am sorry to see that you are not here with us today, Sir, fighting the Treasury Benches. At that time, the Government of India wanted more money; so, under the pretext of giving slightly more protection to the galvanised steel industry, they wanted to collect a crore of rupees; and, even at that time, the House rightly felt—at least the Members on this side of the House felt that Government were doing an injustice in wanting to collect money under the guise of protection; and you, Sir, took part in it. I moved an amendment that protection should be extended only for a period of one year until the Government examined the balance sheet of the Tata Steel Company, until they examined their cost of production, and whether the industry needed that protection. In your speech on that occasion, you said—I will take the liberty to quote one or two lines:

"If, as a result of the fall in the prices of commodities in the world, the Indian consumer can get certain articles cheaper, there is no reason why, either by executive action or by the action of this legislature, the Indian consumer should be deprived of the benefit of a fall in prices."

Sir George Rainy, the predecessor of my Honourable friend. Sir Joseph Bore, was very much interested in this, and he said:

"In my speech I made it clear that financial considerations had great weight with the Government of India in arriving at their decision."

[Mr. B. Das.]

This is a clear confession of the fact that at times the Commerce Member is more influenced by the Finance Member of the Government of India than by the schemes of protection he brings in occasionally on the floor of this House.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. K. C. Neogy, one of the Panel of Chairmen.]

"At the same time, I have been much impressed by what has been said in this House by several speakers about their desire to see that the protection which an industry needs should be given in the manner which imposes the smallest possible burden on the consumer. Considerations of that kind, especially when advanced from non-official Benches, will, I hope, always have great weight with the Government of the day, however that Government may be constituted. What I am prepared to do is this, if it will in any way meet the wishes of my Honourable friends. I am prepared to agree to amend my Resolution, so that instead of reading that protection 'be continued for the remainder of the period of protection covered by the Steel Industry (Protection) Act', etc., it may read 'continued up to 31st March, 1932, and that before that date Government should make inquiries in order to ascertain whether a system of bounties might not be substituted wholly or in part for the increased duty.'"

Mr. R. K. Shanmukham Chetty at last moved that amendment, and it was accepted. And what did the Government do? They sent a gentleman of the Finance Department to Jamshedpur. There was an inquiry about the heavy cost of production, and by the time that inquiry was finished, the Tatas were compelled to reduce their overhead cost, particularly when the complaint on this side was that there were too many Europeans, Germans, Americans and Britishers employed, not so much for the good of that industry as to maintain the balance between the three types of European experts that were employed by the Tatas at the time. That was the first occasion when the Government of India accepted this principle and gave effect to it.

Then, Sir, in my minute I have appended to the Sugar Protection Bill, I have pointed out that both the Government Members and we, non-officials, in the Select Committee felt that the time had come for introducing a system of licensing. I have quoted it *in extenso*, and the draft was prepared by the then Secretary in the Commerce Department, Mr. Drake,—I do not recollect if Dr. Meek was present,—and it was also approved by the then Commerce Member. That Committee was presided over by the present President, and the President was then Deputy President, and my friend, Mr. Mody, cannot quarrel with me that the then Deputy President was not the protagonist of capitalism. Mr. R. K. Shanmukham Chetty, as he then was, was a capitalist and a thorough capitalist, but, as Chairman of the Sugar Protection Bill, he agreed that when the industries were to be protected, the Government of India should introduce a system of licensing so as to exercise a certain amount of control over those industries. I will again take the House back to what happened after the Steel (Protection) Bill was passed. The Government of India appointed the External Capital Committee, and that Committee's Report was written and published, though they never gave effect to it, and it was just now referred to by my friend, Mr. Joshi,—yet it is a curious fact that the Secretary of State, when giving evidence before the Joint Parliamentary Committee, laid particular stress on the External Capital Committee. Sir Abdur Rahim and Sir Hari Singh Gour are present here,

and they will recollect that, when discussing about commercial discrimination and other affairs, the Secretary of State laid particular stress on the External Capital Committee Report and said that it had been accepted by the Government of India and given effect to, but, so far, Sir, I have never heard it from Sir Basil Blackett or Sir George Schuster or Sir George Rainy or Sir Joseph Bore that they ever accepted and have given effect to any of the recommendations of the External Capital Committee. We brought it out in the Match Industry (Protection) Bill, we brought it out in the Paper (Protection) Bill, while the implication of the charges of Non-Official Members of this House was that Government should accept it. Government felt difficulties, because they were awaiting the decision of the Round Table Conference, and now the Secretary of State has accepted it to a certain extent. The Honourable the Commerce Member has been too busy,—what with the Indo-Japanese Agreements, what with the Mody-Lees Pact, what with the whole nation demanding more protection, probably he had not had sufficient time to read the evidence of Sir Samuel Hoare, I do not want to read it, nor have I had the evidence with me now

Mr. Chairman (Mr. K. C. Neogy): The Honourable Member will not be very relevant if he were to read that evidence. The Chair does not think it has a practical bearing upon the issues raised by this amendment.

Mr. B. Das: Sir, I was going to show only the difference in the policy of the Secretary of State and the Government of India adopted in regard to this matter. Then, it implies that, in every scheme of protection, there should be certain conditions laid down for the control of these industries. Therefore, in 1932, after the Sugar (Protection) Bill, the then Commerce Member would not accept,—because he was afraid to discriminate against the Javanese or Dutch manufacturers. In the present case there is no case of Dutch or Javanese manufacturers, this is an entirely different question where the Indian industrialists are concerned, who built up their industries with rupee capital, almost 90 per cent of the capital belong to India; a moiety may be in the hand of Europeans who are or were here on business,—some of us believe, that if proper control had been exercised by the Government, the textile industry might not have come for further protection now. This is not a new policy with the Government. The Member for Industries and Labour controls the department of electricity. When Government want to give a concession for electricity for electric supply, whether it is a hydro-electric scheme or a city lighting scheme, the Indian Electricity Act lays down certain conditions, certain licensing agreement under which the balance sheets and certain other informations and statistics have to be produced before the Industries Member. In the same way, the Railway Member, when he gives license to a private railway company, expects certain obligations from that private company, its balance sheet and other statements have to be produced, but here the textile manufacturers had the audacity not to produce before the Tariff Board figures as regards cost of production when they were asked for such figures. Once protection is given to these people, they think that they have no obligation to the State, and when, again, a question comes up for protection, then much lobbying goes on, whether the lobbying is in the room of the Commerce Member or in our houses at Ferozshah Road or at Windsor Place, but the lobbying goes on. Our patriotism is doubted, and our patriotism is challenged. There has been a plethora of protective schemes this

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Session. I am, of course, excluding the Indian States (Protection) Act, which was a different kind of protection. I have in mind the Sugar Protection and the Match Protection. We are being told that we have not the common sense to understand the implications of the Finance Member's scheme or the Commerce Member's scheme. The Government were hesitating these ten years, but, on the eve of the new Constitution, they must face facts and they must also stand up against the indignity and insult that have been hurled at them by certain industrialists. When industrialists insult them and do not produce statistics and facts, because the law does not permit the Government to exercise any control, why should the State give any protection at all to any industry unless certain obligatory conditions are imposed on that industry? I do not think that Mr. Mody will disagree from that particular statement of mine. If I wanted a favour from Mr. Mody, he is entitled to ask me to show him some favour, though not at the very time, at least at some other time. Mr. Mody, who is a business man, will recognise that it is a well known principle of commercial policy, this *bargaining*—he has bargained the Mody-Lees Act, the Government have bargained the Indo-Japanese Agreement, and by bargaining they have got certain advantages from the other side. Here the people and the State give protection, but the very people in return are traduced, they are not being supplied with the information which is required. Government may not care for that, because they are representative of the capitalists. Government may think that they must keep silent before these mighty potentates and commercial magnates of Bombay, Madras or Calcutta, but I think this Legislature must record its emphatic verdict. This Legislature should not bow to any retaliation of industrialists who want to evade even submitting statements of fact before the Tariff Board or even before the Commerce Secretary when the Commerce Secretary wanted them to produce these things even confidentially. I want the Commerce Member to respect the language of his predecessor what he spoke on the floor of this House a year before he left India. If Mr. Joshi had no support in 1924, in 1928 he had some support, but in 1931 the opposition did not come from the labour representative, but from those who are more capitalist minded than Mr. Joshi himself. Mr. Joshi has clearly stated that he is as much interested in the prosperity of these industries as the capitalist section of the country. In 1931-32, the Non-Official Members insistently demanded this provision. The Commerce Member need not think of the number of votes on his side. It is not the vote that counts. There are 26 Government Members who vote with one mind, that is one vote. But what the Commerce Member has to note is, how is it that this change has come on—opposition from every section of the House, not that all of us are socialists. In these days, we cannot afford to be socialists. But here all of us feel that certain obligatory conditions must be imposed on the industry to which protection is given.

I must at this stage give a personal explanation. I signed with my Honourable friends, Dr. Ziauddin Ahmad and Mr. Raju, a joint minute of dissent that the life of the Bill should be three years and not five years. Yet, afterwards, when I wrote my minute of dissent to which I have put my signature, I felt that simply giving protection for ten years or for five years would be of no avail unless the State exercised certain control

and did not allow the industries to do anything they liked. That is the reason why I did not vote for that motion of Dr. Ziauddin, because I felt that that would not bring the necessary corrective influence on the industry as this particular amendment of Mr. Thampan. If Government find that the industry does not need any protection, Government ought then to exercise their power, and in fact, that was the suggestion of Mr. (now Sir) R. K. Shanmukham Chetty in 1931, and Mr. Mody will not say that he is not a capitalist. If Government in two years find that all these industries are receiving bumper crops, 50 per cent, then I think, if there is a system of examination, the Government of India will have every right to examine and reduce the scale of protection given. Of course, I do not expect that that will come in three or five years. But here the Tariff Board, in paragraph 189 of their Report, recommended that the Government of India should adopt a certain method of ascertaining prices and whether the industry needs further protection. That is a point in Mr Mody's favour. But if he wants a point in his favour, he must concede a point in favour of the Government or the people of India. If Mr. Mody would like the Government and the Legislature to give them protection, he should concede a point to the Government, it is not we, but the Government—they should have the right to come forward before the Legislature and say that the industry does not need further protection.

Mr. James, in his point of order, raised the question of the Indo-Japanese Agreement. I am not an oracle, I never indulge in
 4 P.M. oracular prophecy, but the way in which the Japanese finances go on being managed and the deflation of the yen is taking place, some day the yen might collapse and the whole structure of Japanese currency and Japanese industry might collapse, and Japan might meet the same fate as Soviet Russia did. In that position there will be no need of 50 per cent duty on Japanese goods, because they will be unable to export any cotton piece-goods to India. Nobody expected that Russian rouble would collapse, or that franc would go up to 125 francs though now it is in the neighbourhood of 78 or 80 francs. For that reason also the Government should have in their hands power of control, so that they can adjust things. And here is power which the Legislature is not asking for itself. We are asking the State to function properly and to take this power adequately for itself. About Mr. Joshi's amendment, I sympathise with him. I sympathised with him in 1924, and I feel that if Mr. Thampan's amendment is accepted by the Government and the House, Mr. Joshi will win 50 per cent of what he wants. India is still in difficulty.

The three things that go to bring success to the industries and commerce of a great nation are money, mind and muscle. Mr. Mody always likes to speak on behalf of "money" that the capitalists and their forefathers invested in the industry. Mr. Mody has yet to explain the attitude of the moneyed classes about the rationalisation of this industry. A gentleman of the reputation of Sir Lalubhai Samaldas,—I am not quoting my friend, Sir Hari Singh Gour, who issued certain statements about the organisation of the Japanese textile industry after his tour in Japan,—Sir Lalubhai Samaldas is a capitalist and a Director of the Tata Concerns to which my friend, Mr. Mody, will be translated within a few days. Sir Lalubhai Samaldas has stated, there is rationalisation of industries in Japan and that requires culture of "mind". It is not often the case that the grandsons of the founder of a particular industry have got the necessary ability,

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knowledge and brain to manage that industry. These industrialists must change their attitude. They must engage expert brains, and, today, if the Bombay industry suffers from this disaster, it is because they have no brains. They want to hand over everything from father to son. Then, lastly, as to muscle—the cause for which Mr. Joshi stands—I think labour has got equal share with brain for making success of any industry. The time has come when we should not think in compartment basis and Mr. Mody should not laugh at Mr. Joshi's suggestion. I do hope that when Mr. Mody will reply to Mr. Joshi, he will show a friendly and conciliatory spirit, and I hope that my friend, Mr. Mody, will recognise the specific place which is represented in the industry by my friend, Mr. Joshi. With these words, I support the amendment moved by Mr. Thampan.

Sir Abdur Rahim: The questions which are raised by these two amendments are extremely important, and I do hope that the Honourable the Commerce Member will not brush them aside relying on his majority in this House. I feel almost sure that my Honourable friend himself is not absolutely satisfied with everything connected with this textile industry. There are matters which require considerable investigation yet, even upon the findings of the Tariff Board.

I for one think that protection has come to stay. We have definitely adopted a policy of protection, and, to my mind, there can be no doubt that it is an absolutely necessary policy which the Government and the country must always bear in mind and pursue in order to secure prosperity of our country. If protection has come to stay, I am equally certain the time has arrived when we must lay down, in as clear and lucid terms as possible, the principles upon which protection should be granted. At present I do not find anywhere except in the Fiscal Commission's Report that those principles have been enunciated in order that the country may be guided, in order that the industries concerned may know what are the principles to which they have to conform to secure protection from this House. A mere report, even the Fiscal Commission's Report, however, is not enough. We must have something in the nature of a Statute in which the conditions will be clearly defined. Those conditions, I think, can indeed be very well defined in a Statute. First of all, the Statute can very well lay down the sort of industries which ought to be protected, which ought to receive protection by means of protective duties or by means of bounties. The Fiscal Commission's Report has clearly stated what are the classes of industries which ought to receive protection at the hands of the Legislature. Then, what is the measure and extent of protection? That also can be generally defined. For instance, supposing an industry claims that after meeting the expenses they ought to be able to secure a dividend of, say, 20 per cent, the Legislature is entitled to say that is an unreasonable condition. Then the Legislature ought to be asked what is the extent or limit of profits which the investors in the industries, which are protected, would be entitled to expect. I do not say that it is possible to lay down the exact limits for all times under all conditions, but surely that is one of the points which a Statute can very well indicate as an important matter to be taken into consideration in ascertaining the measure and extent of protection that is needed. Now, in order to secure efficiency, for instance, the aim of protection undoubtedly should be that the industry should within a reasonable time be able to stand

on its own legs and to dispense with protection. Now, the Act can very well say that the Government of the country should have certain powers of control and supervision over an industry which seeks protection. That is, indeed, admitted on all hands and that is a well-known principle which is recognised, I believe, all over the world. You cannot tax the people of the country in order to feed certain industries, without any conditions laid on those industries. I think my Honourable friend, the Commerce Member, himself will recognise that duties of this character are bound to tell heavily on the tax-payers and the consumers, and it is not easy always to ascertain the exact amount of burden that is laid on the consumers by protective duties of this character. Therefore, I think it would be absolutely within the province of the Government to lay down that, if an industry is seeking protection, it must conform to certain regulations which would enable the Government, and through the Government the country, to satisfy themselves that the business is conducted according to modern, up-to-date methods and in a business-like manner. Now, here, for instance, the Tariff Board have dealt at very great length with certain systems that obtain in Bombay and which have been repeatedly alluded to in the course of the debates in this House, I mean, the managing agency systems, for example, and the Board has itself recommended that power should be taken to amend the Companies Act in order to regulate the systems, so that the abuses which are pointed out may not recur. It has also been pointed out that at present the Tariff Board has no Statutory authority to compel production of evidence. Surely that is a serious defect in the law. When we are dealing with a question of this importance and of such significance to the tax-payers and the general public of the country, if an inquiry is held by a body like the Tariff Board, in order to ascertain and find out how far the protection that is sought should be conceded or not, then, in that case, not to endow a committee of inquiry of that character with power to secure whatever evidence they may need in the course of their inquiry is really to frustrate the very object that is in view. Sir, in a Court of justice, if a party refuses to produce evidence, he loses his case at once. The Court will then be called upon to non-suit him on the ground that he has withheld evidence, that he refuses to carry out such a requisition of the Court. Surely, when a body like the Tariff Board is asked to embark upon an inquiry, not to arm it with all these powers that are absolutely necessary is a serious defect in the present law and must be remedied at once.

Sir, I heard with close attention the speeches delivered by my Honourable friend opposite and I was surprised that my Honourable friend not even once told the House that he had noticed all the defects that have been pointed out by the Tariff Board and upon which so much stress had been laid by every speaker on this side of the House. My Honourable friend turned a deaf ear to all the complaints that were made, and, so far as I recollect, he has not yet given any assurance to the House that he is going to take all these matters into consideration, that he is going to see what law can be passed and should be passed in order to set these matters right, in order to improve the efficiency of the industry to which he wants to give protection. Sir, I remember reading in the newspapers, not very long ago, that when the question of Japanese competition and the serious position to which certain industries in Britain was reduced by that competition was considered at a conference at which, I believe, Mr. Runciman, the President of the Board of Trade, himself was present, even the representatives of the industrialists admitted that there was nothing wrong with the methods of Japan. Japan

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has succeeded in competing on more than equal terms with Britain and other countries, because of her superior efficiency. They all admitted that—including Mr. Runciman, and Mr. Runciman impressed it upon them that they must put their own house in order and, that they must increase the efficiency of the methods of production. They all went away from that conference with the resolve that they will take every step to meet Japanese competition by improving their methods of work. Sir, I waited patiently for a very long time to hear from my Honourable friend some words to that effect, but everyone on this side of the House was very greatly disappointed. Sir, I do not by this intend to make the slightest personal reflection upon my Honourable friend, the Commerce Member. All I wish to say is that perhaps he has been hustled so much that he has not had time to think out all the different considerations that arise from the important problem we are now considering. Sir, if he had given us some assurance at the very beginning that he realised that everything was not satisfactory in this industry, that there was a great deal of improvement to be effected before this industry could stand on its legs and stand competition from outside—because the industry cannot indefinitely be spoon-fed at the expense of the tax-payer—if he had given us that assurance, I can assure him that much of the opposition or rather criticism that he has met over this Bill would not have occurred. Sir, it is not too late. I know my Honourable friend can get this Bill passed without giving us any promise or any assurance, but, I am sure, he will consider very seriously that there are matters which have to be set right, and I would suggest to him that it would be necessary, not only for the sake of this Bill, but for the sake of other industries which may seek protection, that there should be some Statute which will guarantee to the public that protection will not be given in a haphazard way, or by way of surrender to clamour of interested persons, but is given, as the result of a deliberate, well thought-out policy, conceived in the interests of the country and of the general public as a whole. (Hear, hear.) I know that in any case of protection some sacrifices have to be undergone and sometimes there may be large sacrifices. We have to bear for some time the burden which protection lays upon us. But surely the public ought to be assured that that burden is for the benefit of the public itself, that is, in the long run, the protected industry will be able to ensure the prosperity of India by making India self-contained in respect to the needs of the population in those classes of goods. I, therefore, ask my Honourable friend to tell us in definite terms and in clear language that whatever be the fate of these amendments—I am not committed to the language of these amendments, and I do not think the Honourable Members who have moved these amendments are themselves committed to the exact provisions and the exact language of the amendments, I think I am right in so interpreting their mind—he is not ignorant of what is needed and that he realises that there is a great need for steps to be taken in order to lay down conditions by which the industry may increase its efficiency, so that the burden on the public may not have to be prolonged beyond the need of the situation. Sir, that is the object of the amendment, and if my Honourable friend is able to give us the assurance, I do not think that these amendments will be pressed. I do ask the Government to consider very seriously whether the time has not arrived when we ought to have something in the nature of an Act for the protection of certain industries, in which certain general principles, which will be applicable to all cases, will be clearly laid down for the information and guidance of the public.

Sir, I should also like to suggest in this connection that Government should consider the feasibility and the advisability of putting the Tariff Board on a Statutory basis. I have already spoken on that subject. The Tariff Board ought to be an authoritative body and it ought to be a Statutory body which should command the confidence of the public, so that, whenever any of its recommendations come before the House, the House will have very little difficulty in accepting them. That will also save the Government much labour. (Applause.)

Bhai Parma Nand (Ambala Division: Non-Muhammadian): Sir, I think we are not quite clear in our views about the principle of protection. My Honourable friend, Sir Abdur Rahim, has tried to make it clear, but I am sorry I am not in full agreement with him. I do not understand the spirit that lies at the bottom of the amendment moved by my Honourable friend, Mr. Thampan. I think the principle of protection can be explained in various ways.

In the first place, we ought to protect an industry if the growth and development of that industry is really for the good of the country and for the ultimate benefit of the consumers. If a certain industry can put forth its claim and can establish it, I think that industry deserves protection for the simple reason that that industry stands for the good of the country. In such a case, I do not understand how we are justified in laying down restrictions upon it or in prescribing certain conditions while it is passing through a stage of growth and development. I cannot really understand the attitude of my Honourable friends on the Opposition Benches who ask for the interference and control of the Government against the industrialists who are working for the growth of industries.

Mr. N. M. Joshi: Why ask for protection at all?

Bhai Parma Nand: I am coming to that point. The main point is that if an industry is for the good of the consumers and for the good of the country, then that industry can claim protection, and, on that ground alone, we should grant protection to that industry. On the other hand, I do not consider that if we have an industry which does not stand for the good of the country or which is injurious to our interests, that industry has a right to come before us or we are not bound in any way to give protection to that industry.

There is another reason besides the one I have just mentioned, that is that if any industry is face to face with the danger of a very unfair competition from any foreign industry, in that case, we, as the portectors of the interests of this country, are bound to give protection to that industry. If we find an industry in a precarious condition on account of foreign competition and if that industry comes before us for protection, it is most unfair for us to lay down conditions and prescribe obstructive rules under which it should get that protection. Our interest is just the same and ought to be as that of the competing country, namely, to support our industry in order to enable it to compete with the enemy industry and crush it. In such a case, our plain duty, therefore, is to protect our industry by every means against the foreign competition.

Sir, protection may be sought for and the Government may again be asked to show favour to a class of capitalists who have invested their money in a particular industry. If such be the case, I would point blank refuse

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to give protection to such an industry. Every case has to be considered on its own merits. If the Government or we, the Members of this Honourable House, consider that a sort of favour is being shown to certain people and the Government are going to benefit that particular class at the cost of the public in general, then, of course our way is clear. We will oppose that protection to that industry and not care to propose any kind of restrictions or conditions. I do not believe that the Government are in any way obsessed with the idea of showing any favour to the capitalists in this sense and burdening the tax-payer. The Government are clever and wise enough to look to the interests of the public. In cases where the Government propose that certain concessions or certain protection should be given to an industry, I cannot fathom any selfish motive on the part of the Government.

My Honourable friend, the Leader of the Opposition, has told us that this protection has come to stay. I do not quite agree with that view. Don't we see that the protection is given generally for short periods, *i.e.*, two or three years—and I think that the underlying idea in making it a temporary measure is that whenever the Government or we, the Members of this House, find that that industry can stand on its own legs and is in a position to fight against the foreign competitors, then, of course, that protection should be withdrawn. There is no need to give further protection to the industry when it has reached the stage of full growth. But if, as my Honourable friend, Sir Abdur Rahim, has just said, protection has come to stay, it would be our duty, if we are going to protect certain industries for all the time, to lay down certain conditions which he has proposed and by which we should be guided in granting protection to an industry.

As regards the conditions proposed by Mr. Thampan, with regard to managing agents, *i.e.*, the factory owners should be bound by certain conditions and that they should be required to take out licenses, I think these conditions are utterly needless for the purposes of the Bill before us. At present our business is only to see whether the industry needs protection or not. If it needs protection, then we give it; and if it does not need protection, then we refuse, there is no use of prescribing any kind of conditions. As far as these conditions are concerned, it is the duty of the Government to change and reform the Companies Act in such a way that certain classes of people should not profiteer at the expense of the public. Such changes should be made in the Companies Act or other legislation, while this Bill is simply for the purpose of deciding the case of protection for an industry.

Similarly, I have to say the same to the appeal of my Honourable friend, Mr. Joshi. I think he is perfectly justified in asking that the claims of labour should be recognised. But I cannot agree with him in this, that whenever there is the question of protection to be considered, we should take advantage to thrust in the claims of labour at that time and force the hands of Government or the industrialists to agree to particular terms. If these factories, as I have said, have really reached a stage that they do not require any more special protection, it is the duty of the Government to see that the labourers who are working in those factories are treated properly and are given their due share, but that would mean, as I said, amending certain laws or legislating certain other measures for

the protection of labour in those factories. So far as this Bill is concerned, as I understand, it is simply to decide whether we should give protection to the textile industry or not. We cannot presume that the Government have got any interest in showing favour to this or that class. It would be not only a false presumption, but to charge the Government with having prejudices is a thing which we cannot expect from a sensible Government. With these words, I oppose the amendment.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

Mr. F. E. James: Sir, I desire to intervene for a very few minutes, but I am compelled to say one or two words in response to what my Honourable friend, Sir Abdur Rahim, said just now, and I say what I have to say entirely on my own responsibility and not necessarily as representing the Members of my Group. I am at one with him when he talks about the necessity of strengthening and reorganising the Tariff Board. During the discussion which was held on the floor of the House, we made that point as one of the main points in our programme, and I am delighted to have my Honourable friend, the Leader of the Opposition, supporting that point of view.

We believe that the Tariff Board should be placed on a Statutory basis, that it should be strengthened and that it should be made more flexible and that it should be armed with sufficient powers to compel production of evidence in regard to the matters which come under their purview. My Honourable friend talked about the necessity for the intervention of the State in the matter of control over the industry. I personally am root and branch opposed to any form of State control of the industry, and I hope the Honourable the Commerce Member will not now listen and will never listen to any suggestion that the State should interfere in a controlling way with the governance of any industry in this country. On the other hand, there is undoubtedly a position growing up in which it is unwise for any industry to expect to be permitted to continue in the development of uncontrolled individualism which has existed in the past. Taking a long view of things, it is quite clear that there will come, whether the industries like it or not, some form of State control unless the industries are prepared to organise themselves along rational lines. I believe that the only solution from the industrial point of view and the solution from the general wide economic point of view is for the industries concerned to realise that position and to take necessary steps as early as possible.

It has been stated recently in a book that was recently published that what is really required today is to find some method which will give industry economic freedom within the limits of economic order. I do not suggest for a moment that the Government should take necessarily a controlling hand in this, but I do think that there are occasions on which the Government might usefully give some direction to industry in connection with its own organisation. Now, take the textile industry itself. I understand that there are more than one association representing the textile interests and one is led to contemplate what advantage would have been gained by the industry if there had been in this country one organisation representing the textile industry in all parts of the country. I may perhaps remind my Honourable friend, Mr. Mody, who is particularly interested in

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this way, of the tremendous advantage which, for example, the tea industry has secured by the very fact that in its own organisation it has been able to represent more than 95 per cent of those who have been interested. What has been the result? In the management of its own affairs, it has been able to secure from Government such guidance and assistance as has enabled it to reorganise itself and to put itself on an economic basis. What is required today in regard to the great industries in this country is some form of voluntary self-government subject to the interests of the community, the consumer, labour minorities and the State, and if, in the formation of those voluntary self-governing institutions, Government can give any direction whatsoever, then, I am sure, the Government will be performing a very real service, not only to industry itself, but also to the community at large.

Sir, I hope that the House will have nothing to do with the particular amendment which is before it. I believe that it is unfortunate, it is not convincing and its effect would be mischievous; but I do recognise the spirit which underlies the motive of my Honourable friend, Mr. Thampan, when he makes this motion. (It is extremely difficult to talk against the bells and make myself heard although I am flattered by their attention.) I still repeat that the way to a solution of this difficult problem is not through any form of State control. I, for one, am resolutely opposed to that and that I sincerely trust that the Government will have nothing to do with it. What is really needed here is organisation on vertical lines representing the nation-wide industries. There are far too many commercial organisations in this country.

I see from the paper this morning that there are now going to be Muslim Chambers of Commerce. We have our European Chambers of Commerce, we have our Indian Chambers of Commerce; we have our trade organisations, we have our importing and exporting organisations. All that kind of dissipation of energy is bad for the economic life of the country. But if the great industries of the country can develop themselves and organise themselves on self-governing lines, then I believe that the country itself will be greatly benefited and Government will not find it necessary even to contemplate the possibility of assuming any semblance of control over their industries. But the remedy lies in their hands, in the hands of the industries concerned. If once we can get away from the past generation of racial and other forms of politics and realise this fundamental fact, then we shall bring into these organisations all parts of the community who will be interested in the development of the industries in the country and who will be in a position to determine to a very large extent to what extent they shall be allowed to control themselves, subject always to the over-riding considerations of the State. That, Sir, I suggest, is the way in which the development of the economic interests of this country really lies and I mention that point in order to indicate a very common point of view. I sincerely trust, Sir, that the Honourable the Commerce Member will not listen to the blandishments of the Honourable the Leader of the Opposition.

Mr. B. Sitaramaraju: Sir, I desire to add a few words to this debate. In doing so, it is not my purpose to go over the ground which I had already covered on the first occasion when I offered certain remarks with

regard to the managing agency system. But I should like to point out at this stage that the Tariff Board made a specific recommendation that an inquiry should be held with a view to securing legislative control of the system. The Honourable the Commerce Member gave no indication on the floor of this House as to what steps he intended to take with regard to the recommendation made by the Tariff Board on the managing agency system. But when we were in the Select Committee, we again raised this specific issue, and, with your permission, Sir, I should like to point out . . .

Mr. S. C. Mitra: He will not answer it. I raised that several times.

Mr. B. Sitaramaraju: Here is a specific recommendation by the Tariff Board that certain legislative action should be taken.

Then, we were assured in the Committee that it could only be done by way of amending the Company's Act. In what manner that is going to be taken, I am not just now concerned, but here is a specific answer that the Government do propose to take action by revising the Company's Act. Is it or is it not

The Honourable Sir Joseph Bhoré: Sir, I think I have made reference to that more than once on the floor of this House. I have stated definitely that Government do intend, at the very earliest opportunity, to revise the Company's Act and that this question of managing agency will come within the purview of such changes as we shall consider.

Mr. B. Sitaramaraju: Then, I am sorry. Evidently the reference escaped my notice, and, if that is so, I apologise, because I have been feeling all along that no specific point had been given to us as to the directions in which and the way in which Government propose either to revise the Company's Act or take suitable action. As the Commerce Member says he is going to do it, I have nothing more to say.

Maulvi Muhammad Shafee Daoodi: Sir, a Government Member has, a few minutes ago, spoken on this amendment of my Honourable friend, Mr. Thampan, as modified by my Honourable friend, Mr. Joshi. That was the occasion when he should have told the House that the intention of Government was to modify the Indian Company's Act in such a way as to suit the purpose of the gentlemen who have moved the amendments. On the other hand, it appears to me that he had opposed the amendments and he advanced one ground for pressing his view of the case. He said that it would tax the people further, and, therefore, the amendment was going to be opposed. I thought, at that very moment, that it was quite irrelevant. The amendment was not going to tax people any further, because, my Honourable friend, Mr. Thampan, made it clear that he was going to press the policy underlying the amendment. He did not say that he would adhere and stick to every word that is found in his amendment. Neither was this position taken up by my Honourable friend, Mr. Joshi. Both of them were amenable to reason and they were pressing for the policy which lay behind the words in which the amendment was couched. So, I submit, Sir, that had this observation been made by the Commerce Member at that moment or had that Member made this observation, I think much of the discussion would have been shortened.

Mr. M. Maswood Ahmad: In this connection, I want to suggest only two points. One is that when the Company's Act is going to be amended, I hope my Honourable friend will consider not only the question of the managing agency system, but he must consider other points also, specially the point about the maximum or minimum price of articles as I have suggested at the time of the general discussion on this Bill. I hope, at the time of revising the Company's Act, the other points raised will also be considered. In connection with this particular item, I want to say that there are many good suggestions, but, at the same time, there are some suggestions to which I cannot agree. Therefore, if this amendment is pressed to a division, it will be very difficult at least for me and for certain other Members to go to any lobby. There are some suggestions which are very nice and should be incorporated in the Company's Act, but there are other suggestions to which I cannot agree. So I wanted to make my position clear that, if I do not vote, it does not mean that I do not support the amendment.

The Honourable Sir Joseph Bhore: Sir, I did not know whether my Honourable friend, Mr. Thampan, was really in earnest when he moved this amendment. The amendment contemplates a very large extension of State control over the industry, and I found it a little difficult to reconcile that with the other amendments in his name, the tendency of which is to pile on protection. I could only think of him as a capitalist in the guise of a socialist.

Now, Sir, I do not for one moment deny that in granting protection we may legitimately require that certain conditions must first be fulfilled. If conditions, which are considered essential, are not fulfilled, we may perfectly legitimately deny protection. What those conditions are which are to be held essential are matters for discussion and consideration. If the House considers that there are certain conditions which should be insisted upon and that those conditions have not been fulfilled, it is open to it here and now to refuse protection. But my Honourable friend, Mr. Thampan, would go very much further. He wants actually to control the working of the industry. It would be a rash thing for me or for any one else to say that the kind of control which my Honourable friend, or which Mr. Joshi visualises, will not one day come into existence. There may be something to be said for it; there is a good deal to be said on the other side. But the point which I wish to make at the present moment is this: that conditions being what they are today, the degree of State control over industry which is contemplated by my Honourable friend in this amendment is not justified. In any event, we would have, before embarking on what I consider to be a very far-reaching experiment, to conduct a very careful examination both of the practicability of this suggestion and of its consequences. We could not allow a measure of this magnitude to be brought in, so to speak, through a side door, by way of an amendment. I would bring it to the notice of Honourable Members that, if we hastily accept an amendment of this nature, we may find ourselves in very deep waters indeed, very deep waters unless we have beforehand made exhaustive inquiries as to where it is likely to lead us and what its consequences are likely to be. Take one instance alone. If you introduce conditions of this nature what are you going to do in regard to the industry in Indian States? And if you cannot enforce these conditions on the industry in Indian States, then you may bring disaster upon the industry in British

India; and if disaster overwhelms the industry in British India, it will overtake labour and agriculture as well. It is for this reason that I would ask the House to reject this amendment *in limine*. It is unnecessary for me, I think, to go into the details of the objections to the various matters raised in the amendment, and I would ask the House to reject it on the broad general grounds that I have indicated.

The Honourable the Leader of the Opposition said that I had given no indication of my own views in regard to the future of the industry. I did very definitely state my view in regard to what the industry would have to do. I said:

"The industry has a long way to go yet before it can stand before the bar of Indian public opinion and claim that its house is in perfect order."

I can assure my Honourable friend that Government will most carefully consider how that end is to be secured, and if the industry again comes up for an extension of protection, the fullest justification of this demand will be required of it. I am not in a position to say anything more in regard to details, but I think the industry will be wise to take this as a warning, and of its own accord set its house in order, because it may rest assured that Government will demand a very high standard from it if it comes again and asks for further assistance from us. Sir, I must oppose the amendment of my friend, Mr. Thampan.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in new clause 5 of the proposed amendment by Mr. K. P. Thampan, after part (c) of sub-clause (2), the following be inserted and the subsequent parts be re-lettered accordingly:

'(d) The conditions of life and work that should be provided for the workers employed;

(e) The prices to be charged for the articles produced;

(f) Such other conditions as the Governor General in Council may lay down in the interest of the country and of the industry.'"

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That after clause 4 of the Bill, the following new clause be added:

'5. (1) From such date as may be fixed by the Governor General in Council by notification in the Gazette of India in this behalf, no joint stock company or other limited liability company or factory shall employ themselves in the manufacture of the articles for which protection is given under the provisions of this Act except under and in accordance with a license to manufacture issued under this Act.

(2) Whoever, being the Managing Director of a Joint Stock Company or other limited Liability Company or proprietor of a factory, fails to comply with the provisions of this section shall be punishable with imprisonment which may extend to two years or with fine which may extend to rupees ten thousand. The Governor General in Council may by notification in the Gazette of India make rules to prescribe—

- (a) any fee or equivalent sum to be paid to the directors and managing agents;
- (b) the annual dividend to be paid to the shareholders and other participants with limited liability;
- (c) the manner in which any further surplus shall be employed for consolidating the position of the undertaking;

[Mr. President.] |

- (d) the returns to be submitted periodically;
 (e) the form and conditions of the licences and the fees to be charged therefor;
 and
 (f) such other things as are required to carry into effect the purposes and objects of this section.' "

The Assembly divided:

AYES—30.

Abdur Rahim, Sir.
 Anklesaria, Mr. N. N.
 Bhuput Sing, Mr.
 Das, Mr. B.
 Dutt, Mr. Amar Nath.
 Ghuznavi, Mr. A. H.
 Gunjal, Mr. N. R.
 Harbans Singh Brar, Sirdar.
 Hari Raj Swarup, Lala.
 Ismail Khan, Haji Chaudhury
 Muhamtnad.
 Jog, Mr. S. G.
 Joshi, Mr. N. M.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Mahapatra, Mr. Sitakanta.
 Mitra, Mr. S. C.

Mudaliar, Diwan Bahadur A.
 Ramaswami.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Neogy, Mr. K. C.
 Patil, Rao Bahadur B. L.
 Reddi, Mr. P. G.
 Reddi, Mr. T. N. Ramakrishna.
 Roy, Rai Bahadur Sukhraj.
 Shafce Daoodi, Maulvi Muhammad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Talib Mehdi Khan, Nawab Major.
 Malik.
 Thampan, Mr. K. P.
 Uppi Saheb Bahadur, Mr.
 Ziauddin Ahmad, Dr.

NOES—57.

Abdul Aziz, Khan Bahadur Mian.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Bagla, Lala Rameshwar Prasad.
 Bajpai, Mr. G. S.
 Bhore, The Honourable Sir Joseph.
 Brij Kishore, Rai Bahadur Lala.
 Chatarji, Mr. J. M.
 Chinoy, Mr. Rahimtoola M.
 Clow, Mr. A. G.
 Cox, Mr. A. R.
 Dalal, Dr. R. D.
 Darwin, Mr. J. H.
 DeSouza, Dr. F. X.
 Fazal Haq Piracha, Khan Sahib
 Shaikh.
 Graham, Sir Lancelot.
 Grantham, Mr. S. G.
 Haig, The Honourable Sir Harry.
 Hardy, Mr. G. S.
 Hazlett, Mr. J.
 Hudson, Sir Leslie.
 Ibrahim Ali Khan, Lieut. Nawab
 Muhammad.
 Irwin, Mr. C. J.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Ali Khan, Kunwar Hajee.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Lindsay, Sir Darcy.

Macmillan, Mr. A. M.
 Metcalfe, Mr. H. A. F.
 Millar, Mr. E. S.
 Mitchell, Mr. K. G.
 Mitter, The Honourable Sir
 Brojendra.
 Mody, Mr. H. P.
 Morgan, Mr. G.
 Mujumdar, Sardar G. N.
 Mukharji, Mr. D. N.
 Mukherjee, Rai Bahadur S. C.
 Noyce, The Honourable Sir Frank.
 Pandit, Rao Bahadur S. R.
 Rajah, Rao Bahadur M. C.
 Ramakrishna, Mr. V.
 Rastogi, Mr. Badri Lal.
 Rau, Mr. P. R.
 Sarma, Mr. G. K. S.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar,
 Captain.
 Singh, Kumar Gupteshwar Prasad.
 Singh, Mr. Pradyumna Prashad.
 Sloan, Mr. T.
 Sohan Singh, Sirdar.
 Tottenham, Mr. G. R. F.
 Wajihuddin, Khan Bahadur Haji.
 Wilayatullah, Khan Bahadur H. M.
 Yamin Khan, Mr. Muhammad.

The motion was negatived.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Joseph Bhowe: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill, as amended, be passed."

Some Honourable Members: The question may now be put.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): No, that can't be done now

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair cannot accept the closure now. It should clearly be explained to the House that in the speeches on the Third Reading it will not be open to Honourable Members again to re-open the principle underlying the Bill, namely, that the Cotton Textile Industry and the Sericulture Industry requires protection. That will not be open to discussion. Honourable Members must confine themselves to the application of the principle as enunciated in the clauses of this Bill. That is all the scope of the Third Reading.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): On a point of information, Sir. Is it not open to a Member to argue that the principle has not been observed in this Bill?

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair stated that no discussion of the principle of protection would be allowed.

Mr. S. U. Mitra: Is it not permissible to give arguments for the rejection of this Bill, because the amendments have not been accepted?

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member cannot say that, because the amendments have not been accepted, the principle of the Bill is unacceptable. He can point out that the clauses of the Bill do not carry out the scope as he conceives it.

Sir Abdur Rahim: Suppose we hold that because the necessary conditions are not laid, therefore the Bill should be opposed?

Mr. President (The Honourable Sir Shanmukham Chetty): That is all right.

Mr. N. N. Anklesaria: That is what I meant.

The Assembly then adjourned for Dinner till a Quarter Past Nine of the Clock at Night.

The Assembly re-assembled after Dinner at a Quarter Past Nine of the Clock at Night, Mr. N. M. Joshi, one of the Panel of Chairmen, in the Chair.

Raja Bahadur G. Krishnamachariar: I congratulate the Commerce Member on his success in piloting through this Bill regarding which I am personally aware he evinced great anxiety. While he wanted to give us all the facilities, he was more anxious that this Bill should pass through, and, therefore, I congratulate him that he has been able to achieve his object. But—there is always a but—I do not want him to run away with the idea that he has pleased us. The fact of the matter is, so far as protection is concerned, the Honourable the President has ruled that we ought not to question that, and so we are not going to question it. We have enough grievances, enough trouble without questioning the necessity of the protection, so that, if you allow us, we can go on talking about our grievances until in the end we find out that we have no redress at all for the grievances and we sit down, the only redress being that we have lost our sleep for the night.

The Bill, in so far as it ensures protection for the cotton industry as a matter of principle, I do not object to. I have no question to suggest regarding the necessity of this protection and the millowners are quite welcome to any protection that the Government have made up their mind to offer. I have nothing to say either against the millowners or against the Government, for in this world every man is for himself and the devil take the hindmost, and I shall immediately show who the hindmost people are. But what I consider to be the more important thing, regarding which, I am sorry, the Government did not pay any heed, is that if you refer to the Tariff Board's Report on Sugar, they tell you that hitherto every protection had been hitting the consumer, and that it was only now that the poorer classes of consumers were not affected and that the richer classes of people were going to contribute for the help of the poor. That is what the Tariff Board said, and, consequently, the contrary follows that, so far as this Textile Protection Bill is concerned, it is the poor that suffer, and it is the rich that get all the benefit. As I said, I do not want to question it, because I believe I have read in some book, probably a holy book, which says: "To him that hath more shall be given and from him that hath not even the little that he hath shall be taken away." That, Sir, is the justice, and this Bill is an example of that.

I do not want to question the necessity of the protection, but are Government aware that there is such a community as the agricultural community at all existing in India? What is it that they did so far as we were concerned? Every time—I do not know what happens, whether the millowners have got some magic or hypnotism in their hands, or whether, as it has been termed in the case of some Indian princes, they are "*fursunde Arjumand-i-daulat Englishiya*"—whether, on that account, or anything else, what they want, they always get. The Honourable Sir Frank Noyce may write out a report saying that the mill industry is guilty of so many deficiencies. Some other Tariff Board may come and say anything, but somehow or other they are able to succeed. That is their good luck. I do not want to protest against it, but I do strongly protest against this that even one-tenth of what has been given to the millowners has not been given to us, and we are left in the cold,—by "we" I mean the agricultural community, the great community that produces, without whose

production our friends in Bombay especially cannot have built what they are proud to call the national industry. I protest against it and it is as a protest that I say I shall oppose this Bill, although my opposition is absolutely no good. I know that Government are going to win, but the reason why I have stood up is to enter and register my emphatic protest against the policy of the Government which always helps the millowners, which never comes to my aid, although time after time we have been crying for the redress of our grievances and all that we are told is: "We know everything about it, we are going to prepare a scheme, you wait until the thing is all finished, and then you will get the remedy." What happens? I shall repeat what I said on another occasion in connection with a debate here.

*"Ta tiryak az Irak awarda shawad
mar gazeeda murda shawad."*

It is supposed that in Iraq there is an antidote for snake poison. A man was bitten by a snake and another man ran up to Iraq in order to bring the *tiryak*, but, before the *tiryak* was brought, the man bitten by the snake had died. That is our position. When the Government give protection to the mill industry I have absolutely no concern,—if you are convinced that they are entitled to protection, by all means give them. I shall show how the whole thing is entirely misplaced and for what reasons they are not entitled to protection. I will not say they are not entitled, but although they are nominally entitled to protection, they are not entitled to what they have got by means of this Bill. That is another matter. I shall only deal with it very superficially, for I have no doubt that others who would follow me would take it up, and I do not want to take the time of the House unnecessarily.

Today I do not see my Honourable friend, Mr. Mody. He is the happiest man in this world. I think one of our friends of the European Group described in very eloquent terms the great trouble that he took in England, how at first everything looked very dark, and slowly by degrees he worked up the Lancashire people to such a state of mind that they all turned into milk and honey; they came here and entered into an agreement with which some at least of the millowners do not agree, and everybody is quite happy. In giving an appreciation about Mr. Mody, they all forgot one thing. I do not know if Honourable Members have observed that Mr. Mody never loses his temper. Why should he? He gets everything that he wants. I should be the biggest fool on the face of this earth if, having got everything I want, I began to lose my temper. Perhaps the man who loses his temper is myself. I do not get anything although I want it, and what is the good? You know it is a matter of psychology, when you get angry, you do not care who it is against whom you apply your anger. The man who stands in front of you is the butt of your anger, and that is the reason why we all talk of Mr. Mody. He does not care six pence. He has got the Lancashire Agreement, and a very obliging Government came to his rescue and have implemented it in this Bill. I asked Mr. Mody,—I am not saying anything which he will not corroborate—if he saw the report of the proceedings in the House of Commons that the British Government flatly declined to follow suit with the Lancashire people and to help them in some way to make large purchases from India. The British Government said: "It is no concern of ours. We are not going to do that." They flatly denied. I asked Mr. Mody whether he noted that proceeding in the House of Commons. He said, "yes".

[Raja Bahadur G. Krishnamachariar.]

"What do you say to that?" He said: "It is no concern of the Government. It is a private agreement between us and the Lancashire people." I close. May I ask respectfully why the Government of India came to the rescue and wanted to implement a private agreement? If it is a private agreement, let them buy or sell whatever they like. Why should the Government of India step in and put on the side of the Mody-Lees Agreement the whole weight of their influence? Why they should have helped him, I do not know. If it is because that while they are making preparations to see how much of our Indian cotton they were going to purchase, there is a statement before the Joint Committee with which you, Sir, are probably more familiar than I am, where one of these persons, who gave evidence on behalf of the Manchester Chamber of Commerce, said. I am quoting from memory, we would particularly advise the Indian Government not to extend the cotton industry in India. It is perfectly true that they entered into this Agreement. I have already said this in an earlier part of the debate. We do know that there is in black and white in the proceedings of the Joint Committee that the Lancashire people actually advised the Government of India that they should not extend the cotton industry any further until, of course, the thing had adjusted itself. Now, some of our friends waxed very eloquent about the political importance of this Agreement and they were simply astonished that there was such a change of heart among the Lancashire people, but that political influence dwindled into nothing when the English Government declined to have anything to do with the Agreement, in order to induce them to make this purchase. Is that the Agreement that our Government should go out of its way to implement? I shall speak more about this when the Sugar-cane Bill comes up, and I say that they ought to have made a provision for cotton in a similar manner long long ago. Did the Government help the cotton growers in any way? I am not talking the language of convention when I say that my Honourable friend, Sir Joseph Bhore, is very sympathetic. I know he is quite sincere. From what we have seen of the way in which he was able to get through the most difficult task and of the way in which he has been negotiating with one of the most astute nations in the world, the Japanese, to him it would have been a fleabite if he wanted to give us some relief. That is the reason why I stand up to protest and that is the reason why I formally oppose this motion and I say that this Bill ought not to be passed.

There is one other matter I wish to bring to the notice of the House. If you refer to the debate on the second reading of the Bill, you will find that my friend nicely passed over some of his weak points in his defence. He did not conceal it, because the other side would pounce upon it. It is the highest form of advocacy to just refer to it and speak of it as if it did not matter at all and then to emphasise upon your strong points. That is what my friend, Sir Joseph Bhore, did, but the most important thing is that these gentlemen in Bombay would not change their methods of work, nor would they give relief to the persons for whom you, Sir, have been fighting all your life,—to the labourers. I have had some experience of these Bombay mills, because, when the Government of India made a proposal that legislation similar to the Indian Factories Act should be introduced in the Hyderabad State, I had the honour to preside over a Factories Commission, and I was commissioned to go out all over the country and find out the conditions and report to my Government.

I had a very sincere welcome from a gentleman of the name of Kaye, Sir

Joseph Kaye now, who was Chairman of the Bombay Millowners Association at that time. I went to Ahmedabad and other places where they have got large factories. I do not want to recite all my experiences here, because it will take time and it is entirely unnecessary, because, say what we will, the Bill is going to be passed and we shall only be depriving ourselves of our sleep. I know a little bit of the conditions prevailing there, and I do not know if it would be Parliamentary language if I begin to describe them. It is no good talking, because hard words never broke any bones. The millowners would not mend their way. They would not enable the labourers to earn a living wage. Go to Bombay and some of these *chawls* where the labourers are huddled together. Can human beings possibly live in worse conditions than that? Yet you see the millowners going to their clubs in their magnificent equipages. That represents the money earned for them by the sweat of the labourers. I say, Sir, that nothing has been done for the labourers.

(Interruption by an Honourable Member.)

I know there is a misapprehension about our profession. The British Government have kindly provided us with certain institutions where they have given us a chance to earn money. Supposing those institutions do not exist, my Honourable friend, Sir Abdur Rahim, myself and everybody would have to stand behind the plough, because that is the only occupation in India, and we are not ashamed of that. From time immemorial, I have been an agriculturist, and I should be very sorry to lose that status and to exchange it for any other profession. I am proud of it. I was born in it and I should like to die in that profession.

Now, my complaint is that no body listens to me. The other day, my friend, Mr. Anklesaria, moved an amendment for circulation of this Bill as a matter of protest. 25 friends were quite willing to sign that motion, but when it came to voting, only six voted, not seven, because mine was the seventh vote, and I did not sign it and yet we all represent rural constituencies. The tragedy is that Government are not coming to our help. We ourselves more than anybody else will not come to our own help and God helps those who help themselves. From time immemorial the Government have been the *Ma Bap*. They say, we do not know our own interests. They say that they are the best custodians of our interests and this is the way they serve our interests. Consequently, I oppose this motion, and I shall be very glad if this motion is not carried. That, of course, is a forlorn hope.

As a last word, what I would submit is this. So far as the proceedings of the Select Committee are concerned, we have been asking that the proceedings of the Select Committee should form part of the proceedings. I have been protesting against the present practice from the November Session. Those of us who have not been members of the Select Committee have never been supplied with the information that is placed before the Select Committee.

Mr. S. C. Mitra: Under the President's ruling we will get it.

Raja Bahadur G. Krishnamachariar: Well, the President's ruling does not count, nothing counts, if the Government have made up their minds to get through it; and, as Dr. Ziauddin Ahmad said, on the morning they were going to discuss the Bill, some papers were hurled in their face. We admit we have not been trained in this sort of inquiry; we have no secretariat, and even my friend, Dr. Ziauddin, cannot understand all those figures although all his life he is dreaming of his figures and he is always

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arriving at conclusions. Therefore, I would respectfully ask that if the Honourable the President or you should express your view that although the Bill has been referred to the Select Committee, every piece of information that was available to the Select Committee ought to be placed before us, because, Sir, it is my vote that counts and not the vote of the Select Committee. You might have got a Select Committee to agree with you on every matter, but unless we here in this House agree, agreement in the Select Committee is absolutely of no value at all. And upon what materials shall we say that the Select Committee was right or wrong? We have no material, we are left to our own resources; and my Honourable friend, Mr. Mitra, says even the Select Committee had no materials. That is worse. That is why I say these Select Committees are a farce. Our friends here have been saying that they cannot work both in the Select Committee and in this House, and, consequently, you remember the vehement attempts that were made in order to extend the time given for the submission of the Select Committee Report. Now, when there were no materials, why on earth, I ask, should they not have protested? I do not know, I suppose I can visualize the proceedings of such a Committee thus. I have already quoted what the poet said about the Council of War during the campaigns of Alexander the Great:

*"Paye mashawirat mahafil Ra Arastand
nishistand khurdand wo borkhastand."*

That is, they spread the tables, they make everything ready for attendance, they sit down and begin to eat. Here, of course they do not give the eating. The real thing is *khurdand*, but, as there is no *khurdand*, I should say *griftand*. Everybody is satisfied; my friend, Mr. Mitra, dashes off a three-page minute of dissent which nobody reads, which the House and the Government do not care for and the poor fellow—I beg his pardon, my Honourable friend, Mr. Mitra, writes down all these minutes of dissent! Sir, I do not know if it is unparliamentary to call these proceedings of Select Committees a mere farce—if it is not unparliamentary, I would certainly call it a farce. (Applause.) Do not uphold it, you do not do justice to yourself if you adopt that procedure, and this sort of thing ought to be put a stop to. Fortunately the Government have resiled from the position that once the Select Committee reports, the Select Committee being the agent of the House, we are all bound by it. That was the extent to which the Government were prepared to go, but, with the help of the Honourable the President's ruling, we have been able to know it on the head. The thing, however, remains. Once a set of circumstances gets a firm footing, it is sometimes difficult to shake that, and yet you sit down and you are supposed to make every attempt in order to modify the Bill. I do not remember—I speak subject to correction—that the motion of my Honourable friend was that the Bill, as amended, be passed.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) occupied the Chair.]

Now, was the Bill "amended" at all?

An Honourable Member: There is Sir Cowasji Jehangir's amendment.

Raja Bahadur G. Krishnamachariar: That is just the thing. My friend, Sir Cowasji Jehangir, unfortunately is not here. These gentlemen, as I said, are:

"Fayzand azjumand dawulat Engalhiya"

Therefore, if you want an amendment passed, get the millowners to agree with that amendment and in five minutes everybody will agree. (Hear, hear.) It is for my Honourable friend, Sir Joseph Bhore, to say—Has the Bill been amended in any other manner, except as the millowners wanted? Sir, it is not fair to make the motion that the Bill, as amended, be passed. "That the Bill, as reported by the Select Committee, be passed" is the only proper, correct and logical motion that ought to have been moved.

Sir, I would only refer to one thing before I sit down. In an earlier portion of the debate, my Honourable friend, Sir Cowasji Jehangir, referring to the Mody-Lees Pact, said that all the arguments I advanced regarding the hesitating, halting and nebulous nature of the agreement with Lancashire, so far as their liability to come to our rescue is concerned, were unconvincing. I am not talking of what they are attempting, I am not talking of their special officer, I am not talking of the researches they are making, because what is written remains and they won't go beyond that. But, in answer to all the arguments, my friend referred to clause 1 of this Agreement where it is stated that "it was agreed that the Indian cotton textile industry is entitled for its progressive development to a reasonable measure of protection against the imports of United Kingdom yarns and piecegoods". Now, over this, my friend waxed eloquent and he said—"there is the proof of their sincerity, because they have agreed to allow you to impose a duty even as against them". But that passage in the statement before the Joint Select Committee, to which I have already referred, clearly shows that the Lancashire people have taken very good care to show what their point is, and that is they advise the Government of India that the cotton industry should not be increased hereafter and Government should take every good care that they do now allow expansion. They did agree, because, if they proceeded upon the assumption—"heads I win, tails you lose", they would never get anything in. Consequently, I very respectfully submit that the Government were not right in implementing this Mody-Lees Pact in the shape of legislation, especially when the British Government are not going to do anything to help in the furtherance of this Agreement. I have said it once before in connection with another debate, and I will say it again: Sir, all these two days we have been putting forward amendment after amendment. Is it really the case of the Government that we have all turned into such rank idiots that we cannot speak sense even in one respect—not even my friend, Dr. Ziauddin, who burns his midnight oil to make all the calculations—and he claims to show that the calculations of the Government of India are all wrong, that their percentages are all wrong and their standard is all wrong—and yet not one amendment of ours is passed. I am afraid, then, Sir, that we must have either completely lost our understanding when we once enter this House, or the Government are vested with such superior wisdom that, in their presence, we all pale into insignificance. My friend says "it is intoxication of the fourth type". I do not fully agree with him for this reason. Perhaps my friend, Sir Abdur Rahim, will support me that there is a way of judging evidence according to the principles of the Evidence Act. When you do not believe the evidence, you do not completely throw overboard such evidence, but you treat it with caution; and when you find other corroborating evidence in support of that witness, that witness's statement ought to be accepted. Throughout these proceedings, my Honourable friend, Sir Joseph Bhore, takes up what he considers to be

[Raja Bahadur G. Krishnamachariar.]

the correct position in piloting this Bill; I cannot say that it is really intoxication of the fourth type. Behind the back of it all, there might be something. Sir, I oppose this Bill as a matter of principle.

Mr. Sitakanta Mahapatra: Sir, I oppose the Bill with all the emphasis at my command on behalf of the constituency which I have the honour to represent here. For about ten years, India is passing through a period of giving protection to industries, and, for about four years, on the advent of the world depression, industrial countries of the world have been mad after protecting their industries. Depression in trade leads to protection and protection ends in further depression and there is no knowing when and where this vicious circle will end. Sir, by the inauguration of a policy of discriminating protection in the name of Indian industries, Government revenues have gone up year by year, with the result that the Government have developed a vested interest in this policy of protection by tariffs. It has been a profiteering concern both to the Government and the industrialists, so much so, that not only they do not want to part with the advantage in any way, but the wall of tariffs is being raised up higher and higher every day. The word "discriminating" has sunk into oblivion, and it is now indiscriminate protection.

Sir, I am not an uncompromising enemy of protection, but the way in which decisions were arrived at by the Fiscal Commission and all the Tariff Boards since then—all packed bodies of industrialists and commercialists—the neglect that was meted out to Indian consumers and agriculturists by all these bodies, are sure proof of the fact that, while trying to safeguard industries, the interests of the vast majority of the people, namely, the consumers and the agriculturists have been lost sight of. India should be industrialised only in so far as it would be complementary to her staple productive source, the agriculture. India may also be self-sufficient as regards her own necessities. But to visualise India, that great agricultural sub-continent, consisting of a population of 350 millions, so highly industrialised as to seek market outside India, and that naturally without success, is unthinkable. Then, a few thousand or a few hundred persons may become millionaires or multi-millionaires, but all others, crores and crores of people, will be reduced to serfdom as hewers of wood and drawers of water. I am not a socialist; far from it. On the contrary, I do not want India to be reduced to that condition when socialism cannot be stopped by any means. I regret very much that, on account of their present policy of indiscriminate protection in their avarice, India, this fair land of Gods, is fast heading towards communism and socialism.

I know the Honourable the Commerce Member won't brook any criticism against his policy of protection so long as it lays golden eggs. But I venture to caution him, so that he may not in his greed kill the hen that is laying the golden eggs. Since the Commerce Member is an Indian and since he has seen in what utter poverty the vast majority of Indians live—absolutely half-fed and half-clothed,—I look upon him to consider his policy from every point of view. Sir, I congratulate the Commerce Member that the second reading of the Bill was so easily passed. But I think the time has come when he should cry halt to the triumphal march of his policy and pause to take stock in what a desperate

situation it has landed Indians today excepting a few capitalists and industrialists. I know the third reading of the Bill will also be passed as easily as the second reading, but the huge burden that the Act will place on the back of the Indian consumers and the agriculturists will, I have the least doubt, break his backbone. I wish the Honourable the Commerce Member all success. But I refuse to be a party to a measure which stabs the poor Indian on the back surreptitiously by imposing a tax on him to an extent of about 100 crores without his knowledge and against his will. I cannot give my support to the Bill conscientiously. Sir, it is a painful duty of ours to play always a losing game. But our responsibility here is that of a sentinel on guard at the post. That responsibility has become doubly onerous when some of my own countrymen look upon the problem of India upon only some abstract theories surmised at from absolutely different set of circumstances and conditions of life. I have to remind my own countrymen that India's politics, society, morals and means of livelihood—I mean economics of wealth and welfare—are not to be judged from the standard and values evolved in Europe. We ought never to forget that the base of political evolution in India is on village community. In India the goddess of wealth is worshipped on the field on the advent of the ripe harvest. The economics of India has yet to grow on that wealth of nature. This fact has never yet been recognised and the result has been a tragi-comedy all through. Swami Vivekananda said: "We construct lavatories adjacent to our bed rooms and suffer from typhoid". Similarly, we impose tariff walls and the poor agriculturists are kept outside at the mercy of the gate-keepers of that wall as untouchables to serve and deliver, but not to grumble at the price paid for his year's labour. Certainly there is a comedy in it, but, at the same time, the tragedy is heart-rending.

Sir, I oppose the Bill.

Mr. B. Sitaramaraju: Sir, in accordance with your ruling this afternoon, I do not propose to go into the larger question of protection, but I would like to confine myself to the extent and the measure of protection necessary for the industry in relation to the provisions of the Bill which is before us. Sir, before doing so, permit me to make one observation. We are thankful that you have released my friend, Mr. Joshi, from the Chair, so that he may come and fight with us on this question. When we consider the extent of the measure of protection necessary for this industry, we must have before us the industry as a whole and the facts necessary for us to judge whether that industry does require the measure of protection that is now laid before us.

My Honourable friend, the Raja Bahadur, did complain that the material which was available to the Select Committee was not available to him, and my Honourable friend, Dr. Ziauddin, remarked that the material available to the Select Committee was no more than was available to him now. Sir, I am not making any complaint against any particular individual or body, but the materials which were available to us were the reports of the Tariff Board. There were the two expert bodies sitting as Tariff Boards who had gone into the question and made their reports of which, I must remark, the evidence on the cotton textile industry, which was taken by the Tariff Board, was not made available to us. Although the Tariff Board held its enquiry a long time ago and although considerable

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time had been taken by the Government before they proposed any action, the Government could not find time to print the evidence even when several months have elapsed. We regret to have to state, therefore, that the evidence which would have been materially helpful to us in coming to conclusions on this measure was not made available to us. Further, the Tariff Board on the textile industry itself said that they were not able to study the conditions of the industry as a whole. They state as follows:

"While the millowners and most of the Chambers of Commerce which have been the chief spokesmen for that industry, particularly the Bombay millowners association has spared no pains to carry out this obligation, the unattached mills and some of the Chambers of Commerce have contributed little or nothing and without the power to compel the production of evidence, the Board is entirely dependent upon the mercy of the industry for the supply of detailed information."

They further on say:

10 P.M.

"that experience of this enquiry suggests that the Board, if it is to discharge its duty must be armed with that power."

Further the Tariff Board in Appendix II state the places they have visited, and Honourable Members, if they turn to Appendix II, will find that they have made their enquiries in Bombay, Ahmedabad and of a few concerns in Calcutta only. They have not made any enquiry outside those places. Considering the fact that a large industry is in the South, it is particularly remarkable that the Tariff Board have not visited South India excepting to draw up their Report in the cool heights of Ootacamund. Under these circumstances, it is idle to contend that we have now been able to study the industry as a whole. No doubt Bombay is important, it is equally true that Ahmedabad is important, and as the Tariff Board themselves say between these two places, it is true; sixty per cent. of the mill industry can be accounted for. Notwithstanding the fact that Bombay and Ahmedabad are, important centres for the purpose, when we in the country do want to know the state of the industry as a whole, mill as well as handloom, it is common courtesy that we should be placed with all the information that could be made available to us with reference to the industry as a whole. There is another significant passage giving the reasons why they could not make an extensive tour, and to this one passage, I should like to invite the attention of the House:

"Pressure of time and financial considerations also rendered it necessary that the Board should, as far as possible, restrict its tour."

Therefore, I am justified in remarking that we, either in the Select Committee or in the House, were not placed in a position to study the industry as a whole, to see at what stage the industry is today and to what extent and what measure of protection is necessary to protect the industry, taken as a whole.

Then comes the question of measure of protection. In considering this question of measure of protection, I should like to confine myself again to making only a few brief remarks. This industry is admittedly faced with competition from two countries, Japan and the United Kingdom. According to the Indo-Japanese Agreement, the competition of Japan with India is now controlled by the quota system, although Great Britain is not

controlled in that way. Therefore, when once you control the competition with Japan by fixing a quota to Japan, I should like to ask the House where is the justification for imposing high duties higher than is required against the United Kingdom when that particular country Japan which was competing unfairly with you is controlled. Here we have got that quota given to Japan, and, so far as Japan is concerned, it is entirely controlled. Therefore, the question of showing any differential treatment between United Kingdom and Japan also vanishes. Where then is the justification to make a difference in the duty between United Kingdom and Japan? Certain colleagues of my Honourable friend, Mr. Mody, who are very much interested in that industry once waxed eloquent that there should be no Imperial Preference. Subsequently, when they realised that they were unable to face the competition with Japan, they were agreeable to accept preference if Japan is checked. Today Japan is controlled by this very quota system. Where is then the justification for you to make a differential treatment between the United Kingdom and Japan now. Therefore, we suggest that there should be no differential treatment between United Kingdom and Japan in the rates of duty, and that it should be at a level required to protect from the United Kingdom competition.

With reference to this higher percentage to Japan, I would like to point out that this Agreement between India and Japan has been acting against our interests and proving detrimental in so far as our relations with certain other foreign countries are concerned, because, here, under the Indo-Japanese Agreement, the "most-favoured-nation" clause treatment was given by which we cannot discriminate Japan as against any other country except, of course, the United Kingdom. That is to say, whether necessary or not, we are compelled to put equally heavy duties all round. The result is, duties found necessary against Japan had to be imposed on Italy and other countries, against our as well as their interests. No wonder our relations with Italy and other countries are not happy. The "most-favoured-nation" clause in this Agreement compels us to impose very heavy duties upon these countries in order to show that we do not discriminate Italy, China and other countries from Japan, although actual conditions do not call for such treatment.

The third point I should like to mention is with regard to the period of protection. This afternoon, the Honourable Sir Joseph Bhore read to you the justification for prescribing the period of five years as protection for this Bill. He read the first portion of para. 142 this afternoon and I would like to read the latter half of it. It says:

"We have frankly recognised in our discussion of the claim of the industry to protection that it is impossible to forecast with any precision on the existing data when the industry will be in a position to dispense with protection."

They cannot say when protection will ultimately be possible to be dispensed with:

"We rather think, as we have already indicated, that the ultimate salvation of the industry will come as the result of a strenuous internal competition stimulated by protection under which the more efficient mills in the country will so develop their output and improve their methods as to replace completely a large number of the existing mills."

Here, Sir, I should like to lay particular emphasis on the last words "as to replace completely a large number of the existing mills". What is the future that the Tariff Board would like us to take note of? They

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want to give protection to the richer mills to such a long period as will enable them ultimately to devour the smaller mills in India. They further say:

"Sufficient time must be given for this process to work itself out."

—that is the criterion for the period of protection which they want us to give—

"In view of the difficulties which face the industry at present and equally of the important national interests which are involved in it, we do not think that ten years can be regarded as too long a period. Unless protection is assured for a period of at least ten years, the capital required by the better class of mills for further development will not be forthcoming."

The period is determined by the necessity to accumulate more capital, for what purpose? Just to enable the more efficient mills to have more capital in order that they may replace the other mills in this country:

"The Indian cotton textile industry, especially in Bombay, has been recently the subject of many public enquiries. Such enquiries repeated at frequent intervals must militate against healthy development."

I cannot understand how an enquiry would act against their development:

"We think that the industry should now be allowed a period of rest from these harassing enquiries."

That was the justification for the Tariff Board, a justification which, I am afraid, I cannot approve.

Now, turning to the Honourable the Commerce Member, the Commerce Member was pleased to state this afternoon that he is not prepared to mortgage the consumers' interest for a further period of ten years which the Tariff Board proposed. He would place the period of protection necessary to be only five years. In other words, he would like to say that the minimum necessary for the further development of the industry in the interest of the consumer should be five years. But why the minimum should be five and not three? He did not explain. Sir, we remember that in 1930, when Sir George Rainy proposed a substantial protection to the mill industry with a view to enabling the mill industry to reorganise itself and to be able to compete with foreign countries,—the other countries after the war having been able to organise their industries while our friends neglected to do so,—Sir George Rainy prescribed a period which he thought was reasonable for the industry to reorganise itself. The first substantial portion of protection which was thus given to the industry was in 1930 and the period of protection which was given to the industry at that time was three years. Sir, after that period of three years, year after year we have been giving protection to this industry? Now another dose is wanted. I would like to ask, therefore, when this is only an extension, why the period of extension should be more than the original period prescribed? Why the period proposed today is to be five years when the original period prescribed by Sir George Rainy was only three years? From 1930 to 1939, it would be nine years, thrice the original period. Why so? After all, the Bombay mill industry or any other

cotton textile industry in this country is not an infant industry. It had been receiving protection, Honourable Members will be surprised to know, from the year 1896, from which date in some shape or other it had been receiving protection.

Mr. H. P. Mody: Certainly not.

Mr. B. Sitaramaraju: The Tariff Board themselves say that whether for revenue purposes or for protection pure and simple, since the year 1896 they have been receiving protection. I am not quarrelling as to the extent or the measure of protection that was given at that period, but I see from the records that they have been receiving protection from 1896. There is a further justification for us now to reduce the period from five to three since the two Agreements with Lancashire and Japan, which form the main constituents of this protection of the Commerce Member, are for one and three years, respectively. No doubt, the Commerce Member this afternoon expected with reference to the Japanese Agreement that after three years he would come before the House and the House shall have an opportunity to review that Agreement. I am not quarrelling with that. But, Sir, when we are reviewing this Agreement, why should we also not be able to review this measure also simultaneously? That was my point, Sir. When we give protection, it is with the idea of inviting the consumer to suffer only temporarily in order that a particular industry should prosper with a view ultimately that the consumer would be benefited or the country at large would be benefited by that temporary suffering which the consumer had to put up with. In order to do so, we must amply justify ourselves that the burden which we are casting upon the consumer is temporary, and that he is not asked to unduly bear the burden for long periods without any relief whatsoever for him in prospect or advantage to the country from the industry. Therefore, I suggest that as we have not been able to take into consideration the real needs for the industry as a whole, we should cut short the period to enable us to study their needs more accurately. In view of the fact that there were certain mills which, even according to the Tariff Board Report, are so efficient as to require no protection whatsoever, we would also like to know, what was then the reason that the other mills have not come to that standard? What were the special circumstances under which, and the disabilities from which the other mills suffer, whether their inefficiency is such that the consumer should be invited to suffer for them.

Before I conclude, I would like to offer a few remarks in regard to the handloom industry. A great deal has been said about the mill industry being a national industry. I always maintained that there is another industry which is much more national than this, and that is the handloom industry. With regard to the handloom industry, it was found by the Tariff Board that they suffered severe competition with Indian mills. In view of the fact that the handloom industry provides a large class of people, about ten millions, with employment, and in view of the fact that it is a poor man's industry, the Tariff Board recommended that that industry should be safeguarded from the Indian mill competition. To do that, it was suggested by them that the Indian mills should agree not to enter into competition with the particular class of coarse cloth that these handlooms produce, *viz.*, counts below 18 and 20. The Tariff Board

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Report stated that the Bombay mill industry agreed not to manufacture counts below 18 in order not to enter into competition with the handlooms. My friend, Mr. Mody, says that they did not agree. But it is stated in the Tariff Board Report that they did. In the Select Committee, my Honourable friend representing the Bombay mill interests said that he was not prepared to give any undertaking not to manufacture cloths below 18 counts. Under those circumstances, it is but natural that we should ask Government to take the necessary action. Failing an agreement with the mills to that effect, the Tariff Board suggested that the Government should impose a cess. At the time when the Board suggested that a cess should be imposed upon the mill industry, the proceeds of which should be distributed among the various Provinces under the control of the Directors of Industries for the promotion of the handloom industry, the Tariff Board felt that the presence of the Indian States would be an obstacle in their way. But since then we have come to realise that that was not an obstacle to the Government, because, in the case of matches, the Government have been able to come to agreements with the Indian States. In a similar way, it is quite possible for the Government also to come to agreements with them in order to protect these interests. Under these circumstances, since none of these things had been done, I venture to submit that it is not possible for us to give the support which otherwise we would have been able to. With these words, I oppose the motion.

Mr. H. P. Mody: Mr. President, when my Honourable friend, the Commerce Member, rose to move the consideration of the Report of the Select Committee, he was warmly received by all sections of the House. I joined in the general cheering, but my real feeling was that of the gladiators of old who were condemned to die, having lost the combat, and who in their last moments turned to the Emperor's box and shouted "Hail Caesar".

The Bill before the House protects every other interest but our own. (Hear, hear and Laughter.) There is a quota of 400 million yards given to Japan because of the interests of the cotton growers. The specific duties on yarn in the higher counts are done away with in the interests of the handloom industry. The duty on art silk yarn is raised because of the manufacturer of silk, and a 15 per cent. tariff is laid on farina because of the wheat starch manufacturers. Then, of course, there are two or three fortunate little industries, like hosiery and braid, which receive a protection of their own. So far as we are concerned, we have received something in the nature of an Irish promotion. The duty on cloth which was raised as recently as June last to 75 per cent is brought down to 50 per cent. The specific duty on fine counts yarns is done away with altogether. A new duty is laid upon farina which goes into the manufacture of our textiles, and an additional duty is levied on art silk yarn. I was, therefore, right in stating that this Bill protects every other interest but our own . . .

An Honourable Member: Then oppose the Bill and reject it.

Mr. H. P. Mody: . . . and I was rather amused an hour or two ago—or rather three or four hours ago, to be accurate,—to find my Honourable friend, the Commerce Member, at the conclusion of his speech on the last amendment, pointing a warning and righteous finger at me and

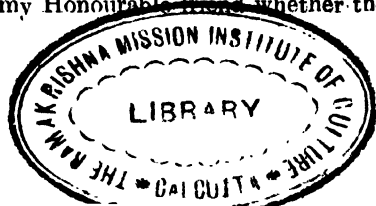
saying: "Take heed: this time we are very generous to you; next time you come, we shall examine your case very carefully". It reminds me almost of a decoration which was conferred by the old Turkish Government of Abdul Hamid on the wife of the French Ambassador: they gave her the Order of Chastity—Fourth Class. (Laughter.)

I shall now get on to the merits of the case, and I shall briefly pass in review the various proposals which are supposed to be in the interests of the textile industry, but which, I hope to demonstrate, are anything but that.

First of all, taking the reduction of the duty against Japan from 75 to 50 per cent, I want to know what justification there is for it. Only as recently as June last, it was thought fit by the Government of India after a long inquiry and after months of agitation by us, that it was necessary to impose a full 75 per cent against Japan, because of the uneconomic prices at which she was marketing her products in this country; the duty has been brought down to 50 per cent, and there is not the slightest reason to think that we shall hereafter not meet the same competition that we experienced before the duty was raised. My Honourable friend, Mr. Raju, was asking a few minutes ago: "If you have got a quota, why do you want a high duty of 50 per cent?" Precisely because the quota has been raised to as high a figure as 400 million yards: I say that if you have as high a figure as that, then the one thing which is necessary to ensure that the industry is not killed by cut-throat competition is to see that the prices at which these 400 million yards are marketed are reasonable economic prices.

Next, taking yarns into consideration, I would like to say that we are actually going to get under this Bill less protection than we had in 1927. In that year, after a representation which I made when I led a deputation before the Viceroy, to which my Honourable friend, Mr. Anklesaria, referred in the course of the discussion on the motion for Select Committee, the Government of India came to the conclusion that a specific duty of 1½ annas was necessary in the interests of the yarn section of the industry. Since that time, the industry has been handicapped by a duty on foreign cotton of ½ anna per pound, by a depreciation of the yen to the extent of something like 50 per cent, and also by what is going to happen within the next few months when the industry will have to have a nine-hour day, a restriction, which, while we have agreed to it as a generous gesture to labour, is undoubtedly going to raise the costs of the industry. I say that if you take those things into consideration, then you cannot but come to the conclusion that so far as the yarn section of the industry is concerned, it is going to enjoy less protection than it did a few years ago when prices were far more remunerative, and competition far less keen; and in this connection I would like to ask Government whether they really wish the yarn section to live, or they want it exterminated in the interests of the handloom industry. I have repeatedly asked Government to take today's price of yarn of 40's counts. It is 10½ annas, and I challenge anybody to say that at 10½ annas the industry can manufacture this yarn and market it at anything but a very considerable loss.

Mr. B. Sitaramaraju: May I just ask my Honourable friend whether the Tariff Board proposed a reduction?



Mr. H. P. Mody: If you mean cloth, I have finished with it, and if you want me to return to it, I shall do so later. I am speaking now of yarn.

What I was saying with regard to yarn was that the view point of the handloom industry has weighed with the Government of India a little more than it should have. My Honourable friend, Mr. Mitra, in an earlier part of the discussion, very rightly put the whole case when he said:

"If it is the case that the handloom industry is supplied very largely by the yarns manufactured by the mills in India, then the mills have a right to a reasonable level of protection."

Now, what is the proper balance to be struck between the yarn manufacturing interests and the handloom interests? I for one would be the last person to suggest that the handloom interests should not weigh with the Government, that their claims should not meet with the fullest possible acceptance, but there must be a reasonable balance struck between the two. If you are going to throttle the spinning industry, then, in time to come, the industry is bound to do one of two things, either the spinning section of the industry dies out, or it turns its attention to the production of coarser kinds of cloth. In either case, the handloom industry is bound to suffer materially. If the spinning section dies out,—I am not going to exaggerate, I am not saying that that process is coming immediately, I say when that limit is reached, then what happens? The handloom interests have to depend almost entirely upon the foreign supplier for their requirements of yarn, and the last plight is going to be a great deal worse than the first. If there is a reasonable level of protection, then in those counts where we experience competition from foreign countries, the full benefit of protection ought to be realised by us. In the matter of the coarser counts, where the handloom weaver depends almost entirely upon the indigenous industry, the level of the internal competition will keep down prices. It is a fact which has been recognised by this Tariff Board and by the one which was presided over by Sir Frank Noyce, and which my friend, Sir George Rainy, put very clearly before us a few years ago. As I was saying, if the spinning section of the industry were gradually done to death, so to speak, then it is the grower of cotton who is going to suffer. Out of a production of something like a thousand million pounds, nearly one-third is supplied to the handloom industry, and if the consumption of Indian cotton is taken at 24 to 25 lakhs of bales a year, then something like seven or eight hundred thousand bales less of cotton will be consumed. Thus, if the spinning section is not able to exist at a moderate profit, then it is in the last analysis the cotton grower who is going to suffer. Now, my friends, when they are driven to this position, take refuge in the Tariff Board Report. I was rather amazed that this Report, which has been put on the scrap heap in respect of most articles, should be held up as a sort of Bible in respect of these very points on which the Tariff Board is adverse to us. I ask my friend, the Commerce Member, why it is that he has discarded the recommendation of the Tariff Board in respect of art silk yarn, why it is that he has reduced the period of protection from ten years to five years? Why is it that he has not allowed for a further depreciation of the yen which the Tariff Board has specifically recommended in their Report? Why is it that he has not done these and a variety of other things which were calculated to be to the advantage of the textile industry?

Then, Sir, take the case of art silk piecegoods. Here, again, I shall be very brief. The whole position is this, that these piece-goods are selling at an absurdly low rate, so absurd that it is quite impossible for any manufacturer in the world to try and emulate these rates; these goods enter into indirect competition with our finer classes of goods; they enter into direct competition with the products manufactured by the handloom interests. I want to know in whose interests have prohibitive duties not been levied on these classes of goods? The manufacturers in the factories do not produce art silk stuff except in very small quantities, but it is known that the handloom industry is producing enormous quantities of these goods. Surely, it is obvious that if you make it impossible for Japan to send artificial silk goods here, you will be directly benefiting the handloom industry, and I cannot understand why prohibitive duties have not been levied. Here is a case in which there is no conflict of interests between the industry and the handloom interests. Sir, it is perfectly true that since the duties were revised a year or two ago, Japan's sendings to this country have been reduced, but as I have repeatedly pointed out, the official figures are not to be depended upon altogether. There has been a great deal of smuggling in these classes of goods through Cutch and other Kathiawar ports, and, therefore, you must not be misled into thinking that you have succeeded in keeping down the imports of this class of goods. You must remember in this connection the enormous progress made by Japan in recent years in the production of art silk yarn and piecegoods. She stands today very nearly in the front rank among the manufacturers of the world. Even during the year, in which her sendings to India were reduced, she increased her production of art silk yarns and piecegoods. Well, it stands to reason that if she is going to be subjected to a quota in this market, if she is going to have quotas fixed in other parts of the world, then it stands to reason that her next line of attack will be in respect of art silk piecegoods. From that point of view, what possible objection had the Government of India in raising the duties to the level which the non-official advisers submitted to them a few months ago?

Coming to art silk yarn, we all know that like the ways of Providence the ways of the Government of India are inscrutable—but by what process of logic or reasoning the duty on art silk yarn has been raised from 18½ to 25 per cent, I am entirely at a loss to understand. It is supposed to be in the interests of the manufacturer of silk. But what do the Tariff Board say? The price of a pound of artificial silk yarn is one rupee; the price of a pound of real silk manufactured in India is four rupees. By raising the duty and the price by an anna, are you really thinking you are going to benefit the silk industry? It may be a small point; we may not be directly concerned with it, but I am amazed that this sort of thing should appeal to the Government of India. In whose interests is it being done? You are directly penalising the handloom weaver who uses artificial silk and you are benefiting no one. As I have pointed out, the difference between the price of the two articles is as much as three rupees per pound. The Tariff Board have given figures which would show that the cost of a *sari* turned out of artificial silk, two pounds in weight, is seven rupees, and the cost of a pound and a quarter weight of real silk *sari* is Rs. 19. Where is the parity between the two? Sir, I am not going to labour every single point, because I have still to answer all my friends who have been so kind to me all these days. So, I will conclude my catalogue of grievances by saying that,

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in the opinion of a large number of Members of the Select Committee, there were as many as eight signatories to the principal note of dissent, in the opinion of the commercial and industrial people generally, the proposals of the Government of India have failed to protect the industry. From every quarter of the country protests have gone up to the Government of India,—Madras, Mysore, Bengal, Cawnpore, Bombay, Ahmedabad, and every other centre has sent up some protest or other to the Government of India.

I shall now answer the question why it is that the Government of India have let us down. I have great respect for my friends. I have constant dealings with them,—it is my business to protect the interests which I represent in this House, though I do not go by the back door, why is it that the Government of India have chosen to let us down? Simply because there are people here, somebody on those Benches, somebody on the other Benches, somebody posing as representative of agriculturists, who has not met a real live agriculturist in his life, somebody posing as a consumer whose sole consumption of agricultural products is confined to bananas and mangoes,—who get up and talk of consumers' and agricultural interests, and the Government of India say, "This Assembly is really hostile to the textile industry, and, therefore, we must be very careful of what we do". That is one reason why the Government of India have been frightened into withholding the proper measure of protection which is due to the industry. It is also possible that the Government of India might say to themselves, "What are these people shouting about? Have they not got 50 per cent duty? A few years ago they would have been satisfied with only 15 per cent, now it is 50 per cent, and still they are clamouring". Government forget that conditions have become abnormal, and what was good a few years ago is hopelessly inadequate today. The other day in an English paper it was brought home to us what Japanese competition in the world markets meant. A woollen skirt, and the picture of a young lady clad in that woollen skirt was also given to give a touch of verisimilitude, woollen skirt ready made, sold at six pence. Where? In Great Britain, the home of the woollen industry. And the Chairman of the Textile Section of the British Industries Fair said:

"The most efficient, up to date factory in this country handling a similar article in large quantities would have to pay to the machinists alone a figure greater than the entire cost of the skirt to the public. This does not include materials, cutting, overhead or any other charges."

And he said:

"It is obvious that no tariff other than a ridiculous one of a 1,000 per cent would keep such goods off the market."

Here is an article sold at six pence in a place which cannot be accused of inefficiency. We have heard a great deal, during the last few years, of the way in which the Lancashire industry has deteriorated. Nobody has pointed the finger of scorn at the woollen industry. The woollen industry has not been charged with inefficiency, and the cost to the woollen industry for the same kind of article, of the lowest possible kind that is, would be 4s. 11d. as against 6 pence. What I, therefore, submit is that this is not an ordinary competition that we have got to consider. It is a cut-throat competition, an economic war. As to how

that economic war has been made possible, this is not the time and place to examine, but there is no question that in no other part of the world would these prices be possible. Then, there is another thing. When I contrast the very meagre, miserly doses which are being given to us from time to time with an air of generosity with the 150 per cent obtained by the sugar industry, with the 100, 200 and 300 per cent obtained by the smaller industries—and if it was 500 per cent and they needed it, I should be the first person to support it—when I contrast that with the grudging manner in which every single measure of protection to the industry has been conceded, I am astonished at the marked difference in treatment accorded to our industry. When we are boggling over a few per cent here and a few per cent there, what is the position in Japan who is now invading the markets of the world, and who, one would think, was absolutely safe behind impenetrable barriers in her own markets. There she protects her industry by prohibitive tariffs, though the justification for those tariffs is nothing like what it is in India. As I pointed out the other day—and I would like any Honourable Member to come forward and challenge that statement—duties in Japan range from 200 to 400 per cent in the case of certain classes of goods. In this connection, apart from the question of cheap labour costs, do not forget that the State is behind the industry in Japan. We have not yet reached that stage when the State is behind our industries. I will be the last man to be ungrateful to the Commerce Member for the great work that he has done during the two or three short years that he has been in charge of his important Department. He has done a very great deal, but I am stating a fact when I say that we are still far from the stage when it can be said that the State is behind industries in this country. If anybody wants to know in what manner the State is behind the industries in Japan, he can pick up any handbook on Japan and find out for himself. As I was saying, the only possible explanation of the Government of India's backsliding is that there are people in this House who pose as the champions of the consumers' interests. What are the consumers' interests? When you want to tax Australian wheat, when you have ten million tons of wheat grown in this country and only 300,000 or 400,000 tons of wheat coming from Australia, you say that the agriculturists must be protected. Of course, I say so too; I am a protectionist pure and simple, and I shall stand up for the agriculturist interests as strongly as I stand up for my own interests. But what is the position of my Honourable friends when they shout against protection to the textile industry, and want very heavy protection against Australian wheat? In whose interests are they shouting? Here is the Raja Bahadur, the Rolls Royce agriculturist. (Laughter.) I should like to see what answer he has got to give to this charge of inconsistency which I level at him and at every other Member who thinks like him? If it is good for the consumer to have everything as cheaply as he possibly can, surely, in the matter of articles which are of daily necessity, articles of food, it is very necessary that the masses in India should get them as cheaply as possible.

An Honourable Member: What about rice?

Mr. H. P. Mody: I am coming to rice.

Again, when my Honourable friends shout against the invasion of Siamese rice, well, what position are they taking up? Are they fighting

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for the interests of the producer of rice, or of the consumer of rice? I would advise all these people, who are talking from the point of view of the consumer, to pause for a moment. Today it may be my need to come to you. Tomorrow it may be your need to come to us. I shall never be found wanting in according protection.

Raja Bahadur G. Krishnamachariar: If the Honourable Member will allow me to interrupt, we gave you as much as you wanted including the Lancashire Agreement, and still you cry for more. The appetite surely increases with the eating!

Mr. H. P. Mody: Lancashire Agreement is only a side dish. (Laughter.)

Raja Bahadur G. Krishnamachariar: I thought so.

Mr. H. P. Mody: What I want is good, solid food in the matter of the competition from Japan.

Now, there is another thing. Is it really the standpoint of the agriculturists that they do not want any industries in this country, because you must remember that if you want the industrialisation of the country, you must also subscribe to a policy of protection. After all, we are in our infancy in the matter of the development of our industries, and our industries cannot stand up against the highly organised industries of the west. If you want to industrialise, the policy of protection is a necessary concomitant of that industrialisation. And is it the standpoint of my agriculturist friends that they would rather that their cloth came from Japan and Lancashire, their salt from Liverpool, their sugar from Java, their iron and steel from Belgium and Great Britain and their matches from Sweden and Japan? Is that the position that they take up?

Raja Bahadur G. Krishnamachariar: It is not.

Mr. H. P. Mody: If they adopt that attitude, India would remain agricultural. If India said "Our doors are open to any country that can supply us with goods at the cheapest rate, we are prepared to consume them", what would happen?

I now invite the special attention of my Honourable friends to some figures which I am going to give them in order to tell them what exactly the textile industry, the much despised textile industry stands for in the national economy of India. Take the Bombay mill industry which, ever since I have heard about it, was never known to be efficient, always mismanaged, always corrupt, always inefficient. This poor, corrupt, inefficient and mismanaged industry—what is its contribution to the national economy of this country? Take the year 1932 though I have got the figures of the last few years if anybody wants to see them. Take the figures for 1932. They relate to 71 mills in Bombay, which means practically the whole of the Bombay industry. In wages to the staff, superior as well as subordinate, we paid 50 lakhs of rupees. In wages to labour, six crores of rupees. Now, we did that in a year in which our own losses were more than a crore of rupees—I cannot give you the exact figure.

You can take my word for it. I have heard plenty of people talking of fat dividends and fat agency commissions. What did we give by way of dividends in a year in which we paid six crores and fifty lakhs of rupees by way of wages and salaries—eighteen lakhs of rupees.

An Honourable Member: How many thousands?

Mr. H. P. Mody: To tens of thousands; and what did the much abused managing agents get for themselves—eight lakhs and 88 thousand, and, what is more, they gave up in that same year seven lakhs and 62 thousand rupees, which was due to them for the work that they put in as managing agents. What do these figures tell? These figures say that for a bare 18 lakhs paid to the tens of thousands of investors, small and large—and mind you, the petty trader, and the petty investor is more to be found on our registers than the big investor and the big capitalist—the managing agents got only eight lakhs and 88 thousand, and labour as much as six crores. If you total up these amounts—and these records are open to inspection by any man, whether a layman or a Chartered Accountant, you will find that we have paid crores of rupees to labour at a time when our own losses have amounted to something like ten crores of rupees.

Dr. Ziauddin Ahmad: For how many years?

Mr. H. P. Mody: Right up from 1926, for seven years. I will make a present of them to my Honourable friend.

Ever since the accounts of the mills as a whole have been audited by a firm of Chartered Accountants, these figures have been available. This is what this much-despised industry means to the national economy: and if you take up the position that it is right for India, that it is necessary for our toiling poor millions that there should be no industries, that the inhabitants of this vast continent should get all their requirements from foreign countries at as cheap a rate as possible, then all these enormous contributions which one section of one industry has made in the course of just a few years would not have come about. I am sure, my Honourable friends, when they appreciate these figures, will sympathise a little more with the standpoint of the industry.

We generally hear in this connection the parrot cry of inefficiency. I do not know what efficiency means. I heard a good definition of it the other day which said, "efficiency" means "buying from a Jew and selling to a Scotsman for a profit". (Laughter.) I do not know how far that definition is correct, but what I want to submit is that efficiency is a very relative term. Efficiency depends upon physique, upon climatic conditions, upon environments, upon food and upon a variety of other considerations; and if you are going to say that the Indian industry is inefficient, then I would reply that that is inseparable from Indian industries during the infant stage of their development. In this connection, all sorts of charges have been made. I am sure, my Honourable friend, Sir Frank Noyce, must be feeling very sorry that he ever had anything to do with a Tariff Board enquiry. He has been misquoted scores of times, and he must be feeling very very sorry that he ever had anything to do with an industry like the textile industry. I daresay he never imagined that that report which he produced would fall into the hands of our present day legislators. (Voices: "Oh, Oh, Oh!") And how is the Noyce Report being used? It is being misquoted times without number.

Mr. N. N. Anklesaria: Without protest from the Honourable Member.

Mr. H. P. Mody: How many times do you want me to protest?

Mr. N. N. Anklesaria: I wanted Sir Frank Noyce to protest.

Mr. H. P. Mody: Well, Sir Frank Noyce is used to these things! if he is to start correcting every misconception, he would be doing nothing else.

Now, somebody—I think it was my friend, Mr. Joshi,—said this morning that none of the recommendations of the Tariff Board of 1927 had been given effect to by the millowners.

Mr. N. M. Joshi: I did not say “none”, I said “several”.

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Mr. H. P. Mody: And when I said, “point out”, he said “I will do so a little later on”.

Mr. N. M. Joshi: I can do it now.

Mr. H. P. Mody: You can do it in your turn; I have got plenty of other things to do. (Laughter.)

What I was saying was that the Noyce Committee Report made many recommendations. Now, I do not think my Honourable friend himself will say that everyone of his recommendations should of necessity have been given effect to by the industry. There are certain recommendations which are in the nature of a counsel of perfection. There are others which are not immediately practicable because of so many other considerations, but I challenge anybody to say that the Noyce Committee recommendations were not given effect to by the industry to as large an extent as it was possible for it to do. It may be that particular recommendations could not possibly be given effect to, but taking the Report as a whole, it is perfectly true to say—and I challenge contradiction from any part of the House—that most of those recommendations have been given effect to.

My Honourable friend, Mr. Joshi, naturally fastened upon something which was said in the Noyce Report about our not having done enough in the matter of housing our labour. Does he realise that we in Bombay have done far more for our labour in the matter of housing than any other manufacturing centre has done, not only in India, but in most other countries? Go anywhere, go to Lancashire, do they provide houses there? It is the duty of the State, and yet many millowners individually have spent lakhs and lakhs of rupees in providing houses for their workpeople, charging absolutely uneconomic rates which do not yield to them even two per cent on their capital. Over and above that, the industry paid directly for the large housing schemes which were launched in Bombay by Lord Lloyd. We paid at the rate of a rupee per bale of cotton. In other words, we directly contributed in financing an obligation which primarily rested upon the State. Who did that? I ask my Honourable friends whether they can point to any other industry where housing has been undertaken by the employer, and where it has not been regarded as part of the obligation resting upon the State.

Mr. B. Das: What about Jamshedpur where the employers supply all the houses to labour?

Mr. H. P. Mody: Sir, if Jamshedpur has done that, all credit to it. Jamshedpur was practically a desert, it had to be made into a manufacturing town, and, of course, houses and hospitals and everything else had to be provided.

Diwan Bahadur A. Ramaswami Mudaliar: And protection.

Mr. H. P. Mody: Then, as regards the amalgamation scheme which has been referred to, read the Tariff Board Report and tell me, after you have studied it carefully and impartially, whether it finds fault with us or with circumstances largely beyond our control for the failure of the scheme. We were perfectly in earnest about it, we did not flirt with the idea, we paid for it out of our pockets, we sent for an expert and spent a large sum of money in having the most perfect investigation. Government were not in a position to help us, and if, because of that and other reasons, the scheme failed, the fault ought not to be laid at our door.

The managing agency system, too, has been charged with all sorts of things. What is the justification for it? The Tariff Board say:

"No part of the individual irregularities to which we have referred in this Chapter is included in the burden which our proposals may place on the country. Nor do such irregularities represent the normal conditions now prevailing in the industry. In the majority of the mills whose costs we have examined and which may be regarded as representing a normal standard of efficiency, it cannot be said that the expenditure incurred under those items of cost such as insurance charges, office expenses and supervision which directly reflect the efficiency of the managing agent are unreasonable as compared with similar expenses in the cotton textile industry in other countries."

Where do my Honourable friends find that the managing agency system is corrupt and inefficient? We do not say we are perfect; certainly the managing agency system requires to be controlled and regulated, and we welcome just as much as my Honourable friends the assurance given in the Select Committee by the Chairman of that Committee, and on the floor of the House by the Honourable the Commerce Member, that the revision of the Companies Act is under contemplation. When that happens, the managing agency system will come under review and will naturally receive the attention which it deserves. By all means, whatever fault you find with the managing agency system, you may try to regulate by law. We have no quarrel with that, but to go on clamouring about the managing agency system as an undiluted evil, I say, is to indulge in wild and unjustified talk.

There is one more point, and that is that evidence was withheld. Who withheld it? The Tariff Board specifically states that "so far as the Mill-owners' Association of Bombay is concerned, it gave every possible assistance".

Mr. N. M. Joshi: You are not the whole industry.

Mr. H. P. Mody: We are; we are representatives of the whole industry in the sense that we have got membership all over India, and that we control 45 per cent of the spindles and looms in this country. We represent in every sense of the word the whole industry, but the reason why individual

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mills or individual Chambers of Commerce were not able to satisfy the requirements of the Tariff Board was because those requirements were of too exacting a character, and not easy of fulfilment. From my own personal knowledge of the way we were asked for information, I can say that enormous masses of statistics had to be compiled. We have sweated at it for weeks and months, and I at any rate should know how difficult it is to satisfy the requirements of the Tariff Board; and, I repeat, it is not possible for an isolated mill or Chamber to supply the figures which the Tariff Board required. It may be some people contumaciously withheld information, but that is not to say that the industry as a whole was wanting in frankness.

Turning once again to the question of efficiency, might I ask the agriculturist interests,—“well, are you efficient, are you making the lot of your cultivator any happier than it has been for ages”? You can’t do it, of course, by moving about in Rolls Royces. (Laughter.) Are you enabling the cultivator to grow two blades of grass where one grew before? What have you done to free your cultivator from the clutches of the money-lender? What have you done for the co-operative marketing of his products and for the buying of his necessities? Would it be proper on my part to say that?

Mr. N. M. Joshi: Why not?

Mr. H. P. Mody: This charge of inefficiency is only reserved for industries. I now come to my friend, the Labour Leader. He seems to be a little touchy about my reference to his peregrinations to Geneva and to Round Table Conferences, and, as a Royal Commissioner, in all sorts of capacities. I have too great a respect for my Honourable friend to mean it as an offence, but I will say that the energy which my Honourable friend expends in attacking millowners, in attacking the Honourable Member for Industries and Labour and in attacking everything under the sun, if he were to reserve a part of that energy and apply it to the amelioration of the lot of the labourer and to establishing a closer and more harmonious contact between him and his employer, I think he would deserve well of the country. But my Honourable friend is unfortunately potent only for mischief; he does seem to have any powerful influence in the matter of the amelioration of labour conditions. I do not mean to be offensive.

An Honourable Member: Is it a compliment?

Mr. H. P. Mody: Certainly not, it is not intended as a compliment either. Take this question of the standardization scheme on which my Honourable friend had a little argument with the Member for Labour and Industries this afternoon. What has he done for the standardization scheme? At an enormous cost to ourselves, and after months of labour we produced a scheme for the rationalisation of labour. That scheme was sat upon for months by a Committee presided over by a High Court Judge. That scheme was pronounced reasonable, and various amendments were suggested in the scheme in order to make it more acceptable to labour. We accepted those suggestions and we tried to make the scheme as acceptable to labour as we possibly could. What happened? When we produced it before the labour leaders, they would not have it. I want to ask a direct question to my Honourable friend. What was he doing on that occasion? Here was a scheme which was to be of considerable benefit to the industry as a whole. It would have helped the employer to reduce his costs. It

would have helped labour, by putting in more work, to earn more wages. It was a scheme for the benefit, both of capital and of labour. What steps did he take to make it acceptable to labour?

Mr. N. M. Joshi: May I ask my Honourable friend when he actually reduced wages in Bombay, did he place the reduction before the labour leaders?

Mr. H. P. Mody: Where are the labour leaders?

Mr. N. M. Joshi: Did you consult any one?

Mr. H. P. Mody: Whom should I consult? I am sorry if I am detaining the House, but I am dealing with a subject which is of considerable importance, at any rate, to the interests which I represent, and I beg of my Honourable friends to forgive me; I do not often inflict myself upon them. He has put a direct question as to whom I should consult. Prior to the general strike of 1929, several Labour Unions existed in Bombay. The Girnikamgar Union had the largest membership of all. It claimed 70,000 members. My Honourable friend, Mr. Joshi's Union had a membership of a few thousand, and there were one or two other Unions which had a membership of a few hundred each. When we realised that we were dealing with a communist organisation, and that its threats could not be tolerated any longer, we said: "We call the bluff". When we did that, and when the strike of 1929 ended, what happened? The Girnikamgar Union was snuffed out of existence, and my Honourable friend, Mr. Joshi instead of rising up on its ashes, was also hurt in the process and his membership dwindled to a few hundred. Thereafter, I have personally made dozens of attempts to find somebody who could organise labour on Trade Union lines and to whom we would have given our fullest co-operation. Mr. Joshi was *non est*, and the other Unions were not in existence, and yet my friend, Mr. Joshi, now asks me whom I consulted before the reduction of wages was brought about.

Mr. N. M. Joshi: My point is that if you did not wait for the approval of labour in reducing wages, why did you wait for the approval of the labour for the standardization scheme?

Mr. H. P. Mody: Because, at the time the standardization scheme was in existence, there were labour unions whom we could consult; at the time, when wages had to be reduced, there was nobody to consult.

Coming to the question of labour costs, I would ask my Honourable friend to remember what the Tariff Board themselves have said. They say that the labour cost per loom per day of grey cloth is over three times the cost in a Japanese mill. Now, my Honourable friend affected to fall in love with Japan.

Mr. N. M. Joshi: I?

Mr. H. P. Mody: Yes. The Honourable Member lectured the Government upon their not providing compulsory education.

Mr. N. M. Joshi: That is what the Tariff Board say.

Mr. H. P. Mody: I presume that everything else done by Japan has my Honourable friend's sympathetic approval. Now, what is the position in Japan? Take the two years, 1926 and 1933. In these years, the wages of spinners were reduced by 38 per cent, and their efficiency went up by 57 per cent. These are the figures given by a responsible Japanese. In that same period, the wages of weavers were reduced by 22 per cent and their efficiency went up by 127 per cent. If my Honourable friend, Mr. Joshi, were to go to Japan, he would receive a very short shrift there. At any rate, he would not be sent on Royal Commissions, and he would then find out exactly what it is to be under the protective shelter of my friends on the opposite Benches.

Now, Sir, there is just one point which I want to make and that is in connection with the quota to Japan. If it is in the interests of the agriculturist, we have no more to say about it. But I say to Government, pray see to it that the quota is not totally nullified by exports to Indian State ports. The Japanese houses are doing business today through Cutch and other Kathiawar ports. What are the Government of India doing about it? The quota for four hundred million yards was to be applicable to the whole of India, and if you are going to allow thousands of packages to go to Cutch and other Indian State ports, you are completely nullifying it. You are putting the Indian industry completely at the mercy of Japan. Business is being openly booked; I have myself seen circulars from Japanese firms asking Indian firms to try and book for non-Indian British ports. I ask my Honourable friend's serious attention to this problem, which is of a very grave character. I have repeatedly adverted to the effects upon the finances of the country and upon the trade of Bombay. Today I attack that problem from the point of view of textile interests, and I hope immediate action will be taken.

Sir, somebody, with a sense of humour, which was, I am sure, unconscious, said that we were the favourite wife of the Government of India. I do not think we were ever that, but if it were ever so, I can tell my Honourable friends that now we have been actually driven out of the *Zenana*. (*A Voice*: "Not entirely.") Altogether. We have not only been deposed from our position of a favourite wife, but we have been turned out of the *Zenana*. But we are going to knock continually at the doors of Government to be re-admitted to favour. In spite of the warning of my Honourable friend, Sir Joseph Bhore, and in spite of the agitation of my Honourable friends, on this side, I am not going to accept this Bill as the last word on the subject. I shall go on knocking and knocking until the door is opened. I am hoping that when a case is made out, the Government of India will not be frightened about giving the protection which is due to us, not only from the point of view of the enormous interests we represent, but also from the point of view of the needs of the industry. We in Bombay have made enormous losses. Somebody said today that Ahmedabad had been making 30 per cent and 50 per cent profit. Will it be interesting to my Honourable friends to know that even in the palmy days of Ahmedabad, according to the figures submitted to the Government of India, their return on capital—when I say capital, I mean the capital invested in the industry,—was no more than 3 to 4 per cent? I say that I hope that when we approach the Government of India, they are not going to say, "we have already listened to your case and fully discussed it, and we are not going to listen to you any further". I

venture to submit with great respect that it is the business of the Government of India to listen to any representation that is placed before them, and to judge it on its merits, and come to a conclusion. I ask my Honourable friend to tell us whether, when he finds that the industry still stands in need of protection, he will give us a sympathetic hearing. Remember that it is a national industry, national in every sense of the word. I appeal to my Honourable friends not to criticise in a carping spirit, but to try and appreciate our point of view a little more closely, and if they still think there is room for condemnation, let them condemn us. • (Applause.)

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, my Honourable friend from Bombay spoke with the eloquence that a post-prandial occasion naturally develops. He went for the Government, he walked into Mr. Joshi and I do not know whom he spared, not even the Rolls Royce of the agriculturist Raja Bahadur. Rolls Royce and an agriculturist may sound a paradox, but in this land of agriculture where we have zamindars and landlords even the industrialists are occasionally tempted to view with pardonable envy the profit that could be made through agriculture. My Honourable friend, Mr. Mody, made a fighting speech as he would have made if we had declared what he considered an "economic war", that was the language which he used, "economic war". Sir, we are not anxious to declare an economic war, on the contrary we want economic peace and as I believe that we are not today hearing wardrums throbbing, but the piping notes of peace, we cannot have a better move than the Government of India have made. On the one side, there is my Honourable friend, Mr. Ghuznavi, talking for the consumer, talking for the masses and speaking with the right that a free-trader certainly has of questioning the wisdom of piling Ossa upon Olympus and that upon Pelion as we are doing by way of protection. The free-trader has every right to ask, have not our people the right to buy in the cheapest markets? There is the Scylla of the free-trader, and I blame him not and then we have the Charybdis of excessive protectionism saying, is this adequate protection? My Honourable friend, Mr. Mody, used the expression deliberately, I hope, "we have been let down". Thus the Government of India have to steer clear of the two extremes, the extreme free-trader on the one side and the protectionist extremist on the other. Sir, on all such important occasions, the extremes meet!

There is hardly any difference on this occasion between the absurd claims put by the protectionist and the necessarily mass claim put by Mr. Ghuznavi. If our industries are going to depend upon crutches, if they are going to ask for protection and more protection and still more protection, they may take it from me, there will be a revulsion of feeling against the protectionist. I may tell Mr. Ghuznavi that it will be a very long day before India can have free-trade. No, India resembles the United States of America in her vast population, in her thrifty population and in her enormous industrial wealth. The Government have not adequately tapped that industrial wealth, much more remains to be done and when our industrial wealth is developed, not in the way in which they have been developed following the western way, India would be a marvel in the industrial world and she should be able to work miracles in the industrial world. For our labour is cheap, our resources are great and we cannot

[Mr. C. S. Ranga Iyer.]

only depend upon ourselves, economically speaking, for everything that we want, we can also provide as we did, in days gone by when the chemical or the mechanical age had not been upon us, our cloth for the whole world or a good part of the world. The tragedy about the Bombay industry—there is no use in the chuckler praising his own leather—the tragedy is this. They have been every time trying to run a family and run an industry simultaneously. A sort of *stasis*, as it were, has developed in that industry, they are eaten up by their own internal inefficiency. The Bombay industry can no longer be called an infant industry. It is suffering from what my Honourable friend, Mr. Raju, called, some infantile disease. It is time that the Bombay industrialists applied merciless surgery to their own industrial disease and cured themselves internally, so that they would be able to take their proper place in the industrial world. For how many years have they not asked for protection? Today, when the Honourable the Commerce Member gives protection in spite of the protest of the free-traders, in spite of the questionings from those who think that way, here is an Honourable Member from Bombay who stands up and says: “you have let us down”. If the Honourable the Commerce Member has let down the industrialists of Bombay—he (Mr. Mody) used very frivolous and flippant language—a representative of Bombay should have used at least more responsible and more restrained language,—probably the occasion being post-prandial he let himself go,—if the Honourable the Commerce Member can be described as having let down the Bombay industries, how much more can the free-trader say about the Commerce Member? Sir, I am not here to praise the Commerce Member. He has kept to the middle of the road. The golden mean is always good on these occasions. India needs protection from foreign competition.

And now I come to the observation of Mr. Mody about yarn. He said he was not spinning yarns, but he was trying to bridge a yawning gulf as it were between the handloom industry on the one hand and his raw material on the other. The Bombay industrialists are like frogs in a well and that is the tragedy about them. I wish they would change their well for the ocean. Whenever the question of handloom is taken up, the Bombay industrialist will tell you: “Sir, we are not producing sufficient yarn for the handloom weaver? It is we who produce all these yarns and why should the handloom weaver depend upon foreign yarn”. The moment there is no competition of foreign yarn, you know what these spinning mills will do. They will raise the price and the poor handloom weaver will be at the mercy of these great swadeshi patriots. Where the claims of handloom are concerned, I know that just as the sugar factory people want the death of the *khandsari* people, even so these millowners would slowly poison the handloom industry. They look upon the handloom industry as a rival, and if they had not looked upon it as a rival. I am certain the Honourable gentleman who speaks for the bulk of looms and spindles in this country, the Honourable gentleman who represents one of the most important industrial organisations in this country, would not have so vehemently denounced the present duty on yarn. He wants prohibitive duties, so that he can put his pistol to the head, as it were, of the handloom industrialist. No, Sir; healthy competition is necessary, and I am glad that the Government of India in committee have very carefully examined this matter, and, after examining the matter carefully, decided what a patriotic Government in a self-governing India would decide.

Sir, I must not make a long speech. The Honourable Member referred to the lesson of Japan. I think some day the Government of India will do more and more what the Japanese Government have done for Japan. I hope they will also take into consideration the development of Indian industries according to the conditions in India. I do not want a multiplication of mills. The Honourable Member who spoke before said: "We have done so much for the housing schemes in Bombay." If he reads the Census Commissioner's report, he will find that there is something in Bombay described by the Census Commissioner as "worse than hell": What is it? The *chawls* of Bombay. That is a bye-product of these mills. We do not want this westernism. I would rather go back and replan the industries of our country. I would rather have small mills scattered over the country, dotting every Province, serving a group of villages. We do not want these monster mills. That is not the way for us to compete with the west. Sir, each nation has made its choice, industrially, economically and agriculturally. India too has made her own choice. We are first and last an agricultural people and that has been the greatness and the glory of India. But the fact that we were an agricultural people did not prevent us from having an industrial life. Time was when the products of Indian handlooms found a welcome mart in the oriental and occidental world. If there had been tiny rivulets in the past, mighty deluges are coming and none can resist them. But we must replan our industrial life; we must have rural factories in India, so that when our agricultural people have no employment, they will find that employment in these rural factories. Therefore, let us say good-bye to the era when we have been feeding and overfeeding the mills. You know what is the result of this overfeeding. Indigestion; and when indigestion affects the head, there is an improper judgment of the work that is rendered, the work that is done. Sir, Mr. Mody said: "This Bill protects every industry except our own." It used to be said of the Liberals in England, specially in the days of their downfall, that the Liberals loved every country except their own. All that I can say is this that if this Bill protects every industry except our own, it must be rejected. But as we think that this Bill gives substantial protection to our industries, I say this Bill should be passed. Here I would give a warning and a definite warning to those industrialists who want more and more protection. I will warn them that they will not get much more protection than they have got. They have got to make up their minds to compete with east and west, with Japan and England alike, on equal terms. And if they are not prepared to contend on equal terms with east and west alike, they will go to the wall. If Japan can produce cheap things we ought to be able to produce fairly cheap, if not so cheap, and durable things. If England can produce fine things and if we cannot produce them, we must give them fair terms to bring them to our country. For instance, take counts above 60. Do we produce that yarn? We do not. But if you begin to discuss in committee whether a duty should be put upon it, you will find that some people will say that a duty should be put upon it. In this world, which has shrunk, there must be economic arrangements and economic programmes more interdependent than independent. We are now in a world where we have to depend upon each other, and it is in that interdependent spirit that the whole scheme of the future will have to be developed. Mr. Mody wanted heavier duties against Japan and when the Mody-Lees Agreement is developed in future, if somebody else on anti-imperialist or political grounds comes forward and says that he wants heavier duties against England, will he agree to it?

[Mr. C. S. Ranga Iyer.]

There is no use taking a fierce and warlike view of things. We have to look at it first from an Indian point of view; we have to look at it next from an imperial point of view, because India is a part of the Empire. If England can buy our cotton, we will buy their goods; let there be no mistake about it. And the advantageous position that Japan has today is that, next to our mills, Japan is the largest consumer of our short-staple cotton. That is the advantageous position that Japan has today. If England is prepared,—and there should be propaganda in England and negotiation with England for that purpose,—if England is ready more and more to take our cotton, there is no getting away from the fact that we will give England nearly as good terms as we are giving to our industries. I say nearly as good terms, because the first consumer of our raw cotton is the Indian mills. Therefore, they get the first concession. I am going to look at the whole thing from an agricultural point of view. I am glad the Raja Bahadur gave that lead, and I can assure this House that an agricultural party has come to stay not only in this House, but in this country, and the Bombay millowners will have to reckon with this reality whether Mr. Mody likes it or not, for the agriculturists have every time been exploited, the agriculturists have every time been sent to the wall, whereas the industrialists have been spoon-fed, spoon-fed against England, spoon-fed against every other competitor.

If these industries, after so many years of spoon-feeding, cannot stand upon their own legs, then I can say, down with our mills. We do not want these mills if they are going to be a white elephant in our land. If they cannot be economically self-dependent, if they cannot be efficient, if they cannot meet on equal terms their foreign competitors, then we have no use for these mills and we will have to develop a new era of industrialisation, building up rural factories more suited to the genius of our race where 90 per cent of our agricultural population will find work for six months in the year when they have no work in the fields. The whole of India's future has to be reconstructed. I am not enamoured of these mills; I am tired of these mills coming and crowing and groaning in this House: "Oh, you have let us down!", when we have given in my opinion the maximum amount of protection that can be given. Does Mr. Mody want a prohibitive tariff wall? Does he want to prohibit foreign goods coming into this country? Then, how does he propose, I want to know, to raise money? We want money; there will be no customs revenue. He wants a prohibitive tariff wall, and then he will be opposed to an excise duty. Sir, it is all well and good to talk like an enthusiast, but sometimes even an enthusiast must have some sense, some recognition of the realities. He said the view-point of the handloom industry had been weighing with us more than it should. I say the view-point of the handloom industry will have to weigh more in future than it has been in the past. There is such a lot in Mr. Mody's speech to answer. Mr. Mody said that the spinning section will die out if sufficient protection is not given. We know "death lays its icy hands on kings". But I am pretty certain that the Honourable the Commerce Member has not put the icy hand of death on the millowners, the cotton kings of Bombay. On the contrary, I thought he had breathed into them a new life and so I was a little disappointed when Mr. Mody did not recognise this fact. Probably I must not take Mr. Mody seriously; he himself did not want to be taken seriously; he said "Surely, I did not mean that".

I know he did not mean that; he wanted to make a fighting speech; he found his colleagues going to sleep and he roused them from that sleep by his rousing eloquence and we should leave it there.

Sir, I have only to congratulate the Honourable the Commerce Member and say that the Government are not frightened, as Mr. Mody said, by the clamour of the agriculturists. Yes, he is not frightened by the clamour of the agriculturists. On the contrary, he is beginning to realise that there is also an agricultural party in this country. The speech of Mr. Mody showed clearly that he also recognises that the agricultural party is growing in strength and the agricultural movement is growing in volume; and, therefore, he spoke with passion; he spoke with feeling; but, I am sure, when he wakes the morrow morn, he will find that the agriculturist is a great friend of the industrialist, for the agricultural and industrial interests are intertwined: the agriculturist depends upon the industrialist and the industrialist depends upon the agriculturist, and, therefore, there is no use trying to decry the agriculturist: it is as good as trying to put out one eye considering that it is a rival of the other eye. What we want is a clear vision on the part of the industrialists, a large vision; and if they see visions, I am sure, they will also dream dreams as the hour is late. (Applause.)

Sir Abdur Rahim: Mr. President, at this hour it is not expected that one should make a speech dealing in detail with the various points which have been raised by my Honourable friend, Mr. Mody. Mr. Mody, I believe, belongs to the same profession as I do, that of law.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

He should have realised that it is bad policy and against the rule of etiquette of our profession for an advocate to defend his own cause

The Honourable Sir Brojendra Mitter: When one advocates his own cause, he has a fool for his client.

Sir Abdur Rahim: I do not want to make that point against my friend. Mr. Mody spoke naturally with considerable heat and passion. If I may say so, he ran amuck. He did not spare the Government, although he admitted that he has frequently to go to them in order to seek protection at their hands. He did not spare the Honourable the Commerce Member and he did not spare even the Assembly. I was pained to hear from him that he charged the Assembly with being hostile to the interests of the textile industry. It was the Assembly that has always supported the policy of protection. But for the support of the Assembly, the textile industry would have been no-where by this time. It was wholly uncalled for on the part of my Honourable friend to charge the Assembly with being hostile to his interests. He has told us that this Bill protects every interest, but his own, that this Bill has let him down very badly and he does not know and he cannot imagine the reason why he has been treated in this way by the Government. We on the other hand have always tried to give such help as we could to this industry so that the industry may stand on its own legs. He has told us the way that the textile industry of Bombay has contributed to the wealth of India, has in fact kept us all alive: he said that they lost or spent hundreds of crores in various ways and in that way

[Sir Abdur Rahim.]

added to the national wealth of India. I wish he had given us the other side of the account, how far the public of India have contributed by way of protection for the upkeep of this industry. If he had told us that, I think he would have found that it is not the public that is a debtor to the textile industry of Bombay, but that the textile industry of Bombay owes a great deal to the public of India. I do not think it would be advisable for me to criticise Mr. Mody's speech, which I think it is very unfortunate that he should have delivered at all, because he is too much interested, too much personally concerned in the matter.

We are for protection, and, from the very beginning, we have supported the principle of this Bill. But all that we have demanded is reasonable guarantees on the part of the Government that the industry should not cost the public more than is reasonable, that we should not be asked to bear more and more sacrifices and go through greater hardships than what is really demanded for the protection of the industry. The Tariff Board Report pointed out various ways in which the efficiency of the industry could be improved and we asked for an assurance from the Honourable the Commerce Member that he would take the necessary steps to carry out the recommendations of the Tariff Board. I pointed out that although we repeatedly asked for such assurance—and not only I alone, but many Members on this side of the House—he failed to give us any assurance on that point. At last he referred us to one sentence in one of his speeches and that was this: that the industry has yet a long way to go before it can be self-supporting. Is that the sort of assurance we wanted? What does it mean? It means that the textile industry will be in need of protection for an indefinite period of time. That is all that this sentence in my Honourable friend's speech means. It does not mean that the Government are going to take steps in order to see that the efficiency of this industry is increased, that the burden on the consumers will be limited to a certain period of time, to a reasonable period of time. By assurance we understand a promise, a promise to take certain steps in certain directions. All that my friend has told us is this, that the industry has still to go a long way before it can be self-supporting. That is not an assurance. We have not yet got any assurance from my friend. We are asked to support him in this measure without being told that the Government have realised that there are matters which require a remedy and that the Government are prepared to supply that remedy, that the Government are prepared to bring a Bill before this House by which some of the defects at any rate which have been pointed out by the Tariff Board could be remedied.

Sir, the Finance Member in his speech on the Budget said that as regards the effects of the Textile Bill on the revenues of the country, the Commerce Member would deal with it when this Bill was placed before the House. Has the Commerce Member yet told us what the effect of these protective duties will be on the revenues of the country? Supposing the measure becomes effective, supposing the protective duties operate in the way in which they are intended to be, has the Commerce Member told us what it will mean in the loss to the revenues of the country? If the the loss to the revenues of the country is great, who will bear that loss? Sir, during the life of this Assembly, year after year, taxes have been piled upon us, either direct or indirect, and these protective duties

are an example of indirect taxation. Surely, if we ask for some prospect of relief, if we ask for an estimate of what this conditional taxation will mean when the protective duties are levied upon goods which are practically necessities of life is that unreasonable. Sir, the Commerce Member has not responded at all to our request. He has not as yet given us any estimate of what the financial effect of these duties will be. He has not told us what the burden on the consumer will be; and by how much will the prices of these articles go up. Surely, he has been told repeatedly that the purchasing power of the people has declined and is still declining. How does he expect that these additional burdens on the consumer could be borne by him? When we ask all these questions of the Honourable Member in charge of the Bill, he pays very scanty attention to our request.

Now, let me say one word as regards the Indo-Japanese Pact. I should like to know if the Honourable Member will be pleased to enlighten us even on the Third Reading if the Indo-Japanese Agreement has yet been signed. He assured us that the signature which was to be put to it in London was a mere formality. May I ask, why is this formality taking such a long time? Is it a mere formality? I saw in the papers only yesterday that something has happened, that a legal difficulty has arisen. Has the Honourable Member taken us into his confidence in that matter? Is this or is this not a fact—we only go upon the reports in the press,—but is it or is it not a fact that some sort of difficulty has arisen? The Honourable Member has not chosen to take us into his confidence in this matter.

My friend, Mr. Mody, has repeatedly asked the Honourable the Commerce Member, why is it that his industry has been let down in this way? In whose interest, then, has this protection been levied? Surely, Mr. Mody himself ought to be in a position to answer that question. He entered into agreement with the representatives of Lancashire which is a formidable competitor to his own mills. Sir, I wish to read a few passages from the debate in Parliament which is reported in the Journal of the Parliaments of the Empire, Vol. V, No. I of January 1934. Comment will be unnecessary. I simply wish to read those passages from the summary of the debate in the House of Commons. The debate took place in November, 1933, on the address to the Throne. This is what Mr. Lansbury, the Leader of the Opposition, said:

“The great basic industries of the country were, if anything, in a worse plight than two years ago. . . . Their whole policy and performance must lead to economic war, which ultimately led to the other kind of war.”

Sir Herbert Samuel, the Liberal Leader, says this:

“While their imports from Canada had increased by 10 per cent, their exports to Canada had shown no appreciable increase since Ottawa. That was largely owing to the influence of crushing tariffs upon British goods which had been imposed in Canada by the Bennett Administration.”

Then Lieut. Commander Astbury, Unionist, says this:

“He referred to the perilous state of the Lancashire cotton trade and pointed out that the Japanese were producing 75 per cent below the actual cost of production in Great Britain.”

[Sir Abdur Rahim.]

Then, I come to the reference to the Japanese competition in the Indian market. Mr. Runciman, the President of the Board of Trade, says this :

"The Agreement with the Bombay millowners under which a Preference to United Kingdom goods were accepted as a fair and desirable principle, undertook not to object to a reduction of duties on Lancashire goods from 25 per cent to 20 per cent when the finances of India would allow of it."

Then, further on, he says :

"The whole situation has since been profoundly modified by the development of Japanese competition in the Indian market. That has led to denunciation by the Government of India of the Indo-Japanese Commercial Agreement and negotiations for a new agreement were proceeding in India between the two Governments."

Then, Mr. Proctor, who is also a Unionist, makes the whole position quite clear. He says this :

"Serious alarm was felt, not only in Lancashire and the Empire, but throughout the Western world, lest the standards of life of the white people, or the amenities they so much valued, should be lowered or destroyed because of Japanese competition."

Then, he goes on to say :

"Such a committee could lay before them a scheme for the utilisation of Indian raw cotton and thereby remove the moral claim which India had to a share in the Indian market."

That is to say, Lancashire should buy raw cotton in order to destroy whatever claim India had, that is to say, Indian textile industry had to a share in the Indian market! That was the position that was taken up in Britain with reference to Japanese competition in the Indian market. Throughout the debate I do not find any speaker in the House of Commons saying one word about the necessity of protecting the Indian textile industry in India itself. Their concern was that their trade with India should not suffer owing to Japanese competition, and not to see that there was any need for protecting Indian textile industry from Japanese or any other competition. I do not blame Lancashire for that. They are perfectly entitled to protect their own interests. Only it is our concern to protect our interests from outside competition, from whatever quarter it may proceed. I do not wish to say anything more about this agreement with Lancashire. It has been embodied in this Bill and I do hope that it will produce beneficial effects on the Indian textile industry. Only one question perhaps my Honourable friend, Sir Joseph Blore, might answer, and that is this. Would the Indian mill industry have received any protection if preference had not been given to Lancashire? It is well known that on a previous occasion protection would have been refused and the Honourable Member in charge of the previous Bill would have refused to give protection to the Indian textile industry unless at the same time preference was given to Lancashire. I for one have no prejudice against English goods coming into India. As a matter of fact, I know that English goods, at any rate, of many classes are superior to similar goods from other countries, and I for one should not like to see English goods shut out from India. But that is not the point. The point is, how far this Bill will protect our industry which is its professed object. We know that Lancashire is trying very hard to use short staple cotton, and they are adjusting their machinery for that purpose. I take it they are doing that

in order that they could produce goods which will be able to compete in the Indian market. In so far as Lancashire is buying Indian cotton, it certainly will benefit the agriculturists of the country. But to say that the Indian textile industry is going to benefit by these measures or by preference is something which we cannot understand. Let us face facts squarely. If it is true that, without giving preference to Lancashire, our industry would not get protection, say so, we may bow to the fact. But don't say that preference to Lancashire is for the benefit of the Indian industry which it cannot be. A Bill of this nature has so many factors to deal with that it is almost impossible for any one to foretell the results. I believe my Honourable friend, Mr. Mody, was quite in earnest when he said that, according to his reading of the situation, the Bill did not give his industry protection enough and that with this protection he will not be able to meet Japanese competition. He wants greater protection, much higher tariff. I ask this question. If he really means what he says, then the Bill will not serve its professed purpose. You will not be protecting the textile industry of Bombay or anywhere, while, at the same time, you will be heaping a heavy burden on the consumers and the tax-payers. It is too late now to question the principle of this Bill. If Mr. Mody had made his position clear in the beginning that this Bill is of no use to him, very likely we would all have joined him in negativing the Bill at the very first stage. But, Sir, we have admitted that, having regard to the position and all the circumstances, we are not prepared to withdraw a certain measure of protection though we think that the period of protection should be limited to three years which gives quite enough time for the industry to put its house in order and to take measures by which it can stand competition with foreign countries. Three years we say is quite enough. On the whole, we should have been prepared to give our support to the Bill, but we feel that the Government have refused persistently to place us in a position in which we can judge for ourselves whether we are taking the right step or we are going to take a step which will needlessly increase the burden on the tax-payer and the consumer without benefiting the industry at all. Sir, I had suggested to the Commerce Member that he should give us a definite assurance that he was going to bring forward proposals by which the impediments in the way of the industry functioning efficiently in Bombay should be removed. But, as he has refused to give us that assurance, we have no option left but to oppose the third reading.

Mr. K. C. Neogy: I feel that I would not be justified in claiming the attention of this House for more than a very few moments at this late 12 Mid hour. Those of us that stand committed to the principle of Night. protection also feel that we are being asked almost at the point of the bayonet to assent to the present measure howsoever we may dislike some of its features.

Sir, at the second reading, while explaining the attitude of myself and my friends, I stated that I would not stand in the way of the Bill going to a Select Committee on the express understanding that we do not stand committed to the principle of preferential rates which were being proposed for the benefit of Great Britain. The proceedings of the Select Committee, in so far as they are available to us, indicate the utter helplessness of our position. There is at least one minute of dissent which has pointed out that the question of Imperial Preference underlay even the Japanese Agreement, that is to say, although the question of preference for Great

[Mr. K. C. Neogy.]

Britain did not directly arise in connection with the negotiations with the Japanese Delegation, that was understood to be one of the basic conditions of the negotiations with Japan. That is what I find in one of the minutes of dissent. It seems to me that although officially the Lancashire Delegation had no part in the conversations that were being carried on between the representatives of India and Japan, the Lancashire Delegation which was hovering in the background exerted a considerable influence on those deliberations, and it is, therefore, too late in the day to amend the measure in such a way as to take out the preference which has been provided for the benefit of the United Kingdom. But those of us at least who remember the fight that was put up by the Non-Official Members in 1930 on a similar issue cannot possibly be an assenting party to such a proposal.

My Honourable friend, Sir Abdur Rahim, raised the question as to whether if we were not to accord such preferential treatment to Great Britain, we would be permitted to pass any measure of protection for the benefit of the home industry. I have a vivid recollection that in 1930 when, in connection with the Cotton Textile Bill of that year, we were discussing the details of the fiscal autonomy convention, it was pointed out by our present President that the consideration for that measure enabling us to protect our own home industry was preference to Great Britain; and he implied that it was a legitimate price that Great Britain expected us to pay for that privilege. I am merely giving the substance of what the present President said on that occasion and not quoting his exact words. It is no use hiding the fact in this particular matter, but apart from any question of political sentiment, such a measure of preference in favour of Great Britain is undoubtedly likely to hit the interests of the home industry which we are anxious to protect. One has only to read the observations in one part of the Tariff Board Report to realise how effective the competition from the United Kingdom has of late been in the textile market of India. The Tariff Board pointed out that it has been possible for Great Britain to sell certain stuff which we produce in India in competition with Japan in the Indian markets and that particularly in the region of the middle counts such competition is very effective. Now, Sir, it is our fear that if we were to allow this preferential duty in favour of Great Britain to operate, it will make the position of the home industry more and more difficult and it is for that reason at least that we must oppose this particular proposal. It seems to me that according to the "most-favoured-nation" treatment to Japan and fixing a very high tariff as against Japan has the effect of partitioning the Indian market between three parties, the Indian producer, the Japanese producer and the Lancashire producer, shutting out the other countries of the world altogether for all practical purposes; because, when we treat Japan as a "most-favoured-nation" and we fix a very high tariff as against Japan, we cannot possibly quote any lower tariff as against any other nation of the world, excepting, of course, Great Britain which stands in a special position. And what is the result likely to be of such a policy? Just as in the case of Ottawa preferences, a realignment of our trade relations is likely to have serious disturbances in the economic life of the country. We have not to speculate in this matter, for very recently I noticed in the press that Italy has already declared her intention to discontinue her cotton purchases in India as a result of the present tariff policy of the Government.

Sir Leslie Hudson: If I may interrupt my Honourable friend, it was a suggestion rather than an intention. I do not think the intention was declared.

Mr. K. C. Neogy: It was a message published in the press, and, as far as I recollect, it was something more definite than what my Honourable friend suggests; but I understand that a definite representation on this subject has been made to the Government on behalf of certain Indian commercial interests which are alarmed at the prospect of Italy withdrawing from the cotton market of India. Germany, again, has declared her intention that she would confine her purchases to those countries where she can also find a market for her goods. I dare say these instances are being watched by the Government, and I should like very much my Honourable friend, when he replies to this debate, to tell us what action he proposes to take to see that, as a result of the policy which he is adopting by this measure, our position in the world market will not be more and more a difficult one. I should further like to know from my Honourable friend as to what inquiries, if any, he had made from the Trade Commissioners we have got in certain centres of Europe as to the probable effect of such an economic policy being adopted by India. It seems to me that we are taking a very great risk in embarking upon a policy of this character which may land us in serious difficulty; and it is for these reasons that I must oppose this motion.

Bhai Parma Nand: I move that the question be now put.

Nawab Major Malik Talib Mehdi Khan (North Punjab: Muhammadan): Sir, I thank you for giving me an opportunity to speak on this subject. The Assembly has accepted the policy of protection, and I would have welcomed it for the sake of encouraging home industries, but the question is, whether protection is needed for the capitalists or the people. In this measure and the other measures of this description, the Government seem to me to be aiming at securing for these capitalists a substantial profit *plus* interest on their outlay *plus* something for their depreciation and reserve funds. I would ask the Government whether they are going to do something for the cotton grower. Are they prepared to bestow all these benefits on him, and those engaged in the cottage industries? Sir, the grower, as we all know, counts for nothing in these days, he is a minus factor, and sometimes one even doubts his existence; at any rate, his existence is such of which no one takes serious notice. But, Sir, he handles the largest industry in the country, and has sunk all he possesses in it,—with what result? Sheer disaster. His balance being nil, he has sold off all his ornaments and cattle in meeting the Government demand. I would ask—is it not a fact that these capitalists have devoted all their energies to earning fat dividends. The Government are giving them protection on the ground that they are working home industries. But the fact is that they do not purchase to the full the local raw material. They import larger quantities from other countries. They pay the lowest possible rates to the grower for his produce and sell their manufactured articles at as high a rate as they can command. Have they got any ground to say that they help local industries, when they do not encourage the grower? The Government, on their part, have not done anything to remove this complaint of the grower. Japan, a foreign country, has bound herself to purchase a certain quantity of cotton from India in lieu of the latter purchasing

[Nawab Major Malik Talib Mehdi Khan.]

her (Japan's) manufactured articles. But the Indian millowners have not entered into any such agreement with the cotton grower. The mill-owner is not satisfied with ruining the grower by offering low rates for his produce and importing it from abroad; he has gone further and entered into an unholy alliance with foreign countries which has proved disastrous to India.

Mr. B. Das: Only for long staple cotton.

Nawab Major Malik Talib Mehdi Khan: We are trying to grow that too. Sir, if Japan can consume our short-staple cotton, surely our own millowners ought to be able to do so, and if they do not do so, they are not true to their motherland.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

There is another factor which I find difficult to understand, namely, the constant changes in the duty. It was Rs. 1-8-0 per dozen originally, which changed to nine annas, and, subsequently, to 12 annas per pound. The original duty of Rs. 1-8-0 per dozen was accepted by the House after a heated discussion in February last. Sir, it is essential in money matters that every calculation should be made before the Government come to any decision. It is also quite inexplicable why the Select Committee raised the duty from annas nine to annas twelve and why the Government accepted it. Far be it from me to accuse them of any unworthy motive, but I must say that we cannot understand this attitude. These remarks will show that the treatment that the grower is receiving on all hands has been very unkind. I am glad to notice now that after all it has been realised in this House that the class which goes by the name of "zamindar" also deserves some consideration. The Budget speech of the Honourable the Finance Member made some provision for him and in pursuance of it the Sugar (Excise Duty) Bill and the Cotton Growers' Bill have been put before the House. But this is not enough. Cotton is a product which badly needs to be protected, and, if possible, wheat also. I might now inform my friends, the Honourable Members, that the zamindar or the agriculturist has realised his shortcomings and has raised his voice. I think the time has come when something tangible should be done for ameliorating his condition. He is not going to take everything lying as he has been doing so far, the more so as he has got an awakening and commands some support in the House. So it is better that his position is realised and that the Government and the country should take steps in earnest to improve his pitiable lot.

Several Honourable Members: The question may now be put.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the question be now put."

The motion was adopted.

The Honourable Sir Joseph Bhoore: Sir, at this early hour of the morning, I am sure, the House will not expect me to make a very lengthy or very detailed reply. As a matter of fact, I think most of the points that

have been raised in the course of the third reading, so far as they refer to general matters, have been covered, some more than once, in the course of previous speeches which have been delivered by me. This Bill has not been received with enthusiasm either by those whom it is intended to assist or by those who are opposed or seem to be opposed on principle to the grant of protection to indigenous industries. My Honourable friend, Mr. Mody, laments the inadequacy of this measure while others bemoan the extra burden on the consumer and the reduction of the "expert salesman's" profits from the sale of imported goods. This, I think, shows that on the whole the Bill is an excellent one, because it holds the balance fairly, between conflicting interests. There is a general, and, I think, I may call it, a wholesome tendency today to regard demands for protection with a critical eye. This is as it should be. But, Sir, we are often apt to overlook certain important considerations. The ancient fable of the body and the limbs seems to me to be particularly applicable to the state of affairs today. No interest can live to itself, nor can it hope to prosper if it does not place the good of the whole above individual claims. No industry can expect to prosper for any length of time if it does not treat with fairness the claims of labour and the claims of agriculture. On the other hand, agriculture and labour must both remember how inextricably their interests are bound up with the interests of industry. I have had occasion before this to point out, for instance, that something like 88 per cent of the cotton consumed in Indian mills is Indian cotton. If tomorrow, the Indian cotton mill industry collapsed, would that collapse not recoil with intense effect upon Indian agriculture? Would it not equally recoil upon Indian labour? Or, take the case of the handloom weaver. Today he shares in the protection granted to the Indian mill industry. If, on the ground that you wanted to benefit the consumer, you were to remove all cotton protective duties, what would happen to the ten million people who are said to depend on this industry for a living? I am sure, Sir, that Honourable Members did not realise when we were granting protection to the hosiery industry that we were granting assistance not so much to the capitalist as to the small man.

Dr. Ziauddin Ahmad: Certainly not.

The Honourable Sir Joseph Bore: I say, yes, Sir. We have granted assistance largely to the small man, who is producing on a small scale with small capital, the cottage worker and the home worker. I say that without fear of contradiction.

Dr. Ziauddin Ahmad: I contradict that statement.

The Honourable Sir Joseph Bore: By all means let us count the cost of protection. It is right that we should do so. But, at the same time, let us bear in mind that to cast a balance-sheet in a matter like this with any approach to accuracy is an undertaking of the utmost difficulty. Before you can decide what you are to place on the profit side and what on the loss side of the account, you must be careful to take into account not merely the direct gains and losses, but also the intangible indirect gains and losses which it is a matter of the utmost difficulty to assess with any approach to accuracy. Therefore, let us accept with caution the estimates with which we have been regaled as to the amounts that we have paid for the benefit of protection.

[Sir Joseph Bhore.]

Sir, I ought, I think, once again, because of its importance, to refer to the matter to which my Honourable friend, Mr. Rāju, drew attention. From what I and other Members of the Government have already said on this matter, it will be clear to Honourable Members that we are actively and seriously considering the question of revising our commercial legislation and particularly the Companies Act. The managing agency system will certainly have to come under review when that revision takes place. It is impossible for me to say with the information I have at my disposal at the present moment on what lines exactly the revision will proceed, but I can inform Honourable Members that machinery has already been set in motion and I hope that as a result we shall eventually get a piece of legislation of widespread interest and importance to this country.

My Honourable friend, Mr. Mody, has brought up his old point about the Indian States ports. Well, Sir, from what my Honourable colleague, the Finance Member, has said on more than one occasion, I think the House ought to rest satisfied that we are fully seized of the position and that we are taking all the steps we can in the matter. He also asked me what our attitude would be in the event of our finding that certain protection that we had granted was insufficient. I can only say this that we shall have to watch more particularly the case of cotton yarn, of artificial silk piecegoods and of raw silk. If the duties we are imposing in this Bill fail to achieve their object, then Government will have to reconsider their position. (Applause.) Sir, I am sure that a little consideration would have satisfied the Leader of the Opposition that it is quite impossible to forecast the effect, with any approach to accuracy, on the import duty revenues, of a policy of protection. Equally impossible is it to say what the effect of protection will be on internal prices. So far as I am aware, for the first year at least our revenues will benefit, and so far as prices are concerned, the only thing that I can do is to draw his attention to the remarks in the Tariff Board's Report which point out that internal competition in the case of the Indian cotton textile industry has reached a point of intensity without parallel in the history of Indian industries.

My Honourable friend, Mr. Neogy, suggested that the Lancashire conversations between the Millowners Association, Bombay, and the representatives of Lancashire exerted some influence on the Indo-Japanese conversations. I can say definitely that there is no foundation whatsoever for that suggestion. My Honourable friend drew attention to the dangers of allowing the "most-favoured-nation" clause to be made applicable to Japan. He was perfectly right in his diagnosis of the case, but, as I have explained on more than one occasion to this House, we were faced with an alternative which left us no option but to take the course that we did. I have brought it to the notice of the House that the only alternative to the acceptance of the demand for "most-favoured-nation" treatment was the breaking off of negotiations with Japan—the breaking off of the negotiations with the prospect of tariff war, the prospect of a continued boycott of our cotton, and I would leave the House to decide whether, in these circumstances, we were or we were not justified in taking the course that we did. (Hear, hear.)

Now, if you will permit me, Sir, I will only make one reference, a specific one and that is to raw silk. There is no one in this House who would

not wish to see the raw silk industry in this country restored to the position which it once held. At the same time, it is essential for us to avoid the mistake of giving a degree of protection larger than is absolutely essential to restore reasonable competition conditions to this industry. Nor should we exclusively concentrate our gaze on a single industry and leave out of account our general economic policy so far as this country and foreign nations are concerned. Bearing those essential points in mind, we adopted the method I have already explained for working out a suitable rate of duty for raw silk, and I submit the method which we adopted has not been seriously challenged. But this, I will say, that we shall have to watch very carefully the course of raw silk prices and we shall not be justified in allowing the protection which we are giving to this industry to be defeated by a still further serious lowering of prices. But, Sir, I would ask the House to look at another aspect of this problem than the mere piling on of protective duties. The silk industry needs almost more than anything else assistance along lines which have been referred to by the Tariff Board, which, I hope, the House will excuse me if I refer to again. They point out that "the success of its competitors is largely due to other measures which they have adopted for the improvement and encouragement of the industry". "We are convinced" they say "that unless similar measures are taken in this country, protection will not only do no lasting good, but may perpetuate some of the undesirable methods pursued in the industry". Sir, there is no reason to suggest that Provincial Governments are not seized of this position and that they will not do all in their power to meet it. So far as the Government of India are concerned, we feel that the master key to the permanent improvement of the industry lies in research work and we are at the moment seriously considering how we should assist the industry and further research. If, as a result of our examination, we come to the conclusion that financial assistance should be given to further research, I may say, Sir, that we shall have behind us the sense of this Assembly. (Applause.) We feel that assistance given in this way will be far more effective, so far as the industry is concerned, than the mere piling on of protective duties.

There is little more that I have to say. I would like to repeat what I have emphasised, I think, on more occasions than one. We do not guarantee that what we are doing in this Bill or the agreement entered into or the arrangement we have approved will definitely result in effects which will be beneficial to this country. Economic conditions all over the world are far too disturbed, inter-national relations are far too uncertain to enable us to prophesy with any degree of confidence. But what we do say is this, that in the historic circumstances in which we were able to carry on friendly negotiations with a foreign power, we placed the interests of this country first and we pursued those interests to the very best of our ability. (Hear, hear.) I would now ask the House to pass this motion without a dissentient voice. (Cheers.)

Mr. President (The Honourable Sir Shanmukham Chetty): The question

"That the Bill, as amended, be passed."



The Assembly divided:

AYES—44.

Abdul Aziz, Khan Bahadur Mian.
 Ahmad Nawaz Khan, Major Nawab.
 Anah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Bajpai, Mr. G. S.
 Bhore, The Honourable Sir Joseph.
 Chinoy, Mr. Rahimtoola M.
 Clow, Mr. A. G.
 Cox, Mr. A. R.
 Dalal, Dr. R. D.
 Darwin, Mr. J. H.
 DeSouza, Dr. F. X.
 Graham, Sir Lancelot.
 Grantham, Mr. S. G.
 Hardy, Mr. G. S.
 Hezlett, Mr. J.
 Hudson, Sir Leslie.
 Irwin, Mr. C. J.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir.
 Joshi, Mr. N. M.
 Lindsay, Sir Darcy.
 Macmillan, Mr. A. M.

Metcalfe, Mr. H. A. F.
 Millar, Mr. E. S.
 Mitchell, Mr. K. G.
 Mitter, The Honourable Sir Brojendra.
 Mody, Mr. H. P.
 Morgan, Mr. G.
 Mudaliar, Diwan Bahadur A.
 Ramaswami.
 Mujuandar, Sardar G. N.
 Mukharji, Mr. D. N.
 Mukherjee, Rai Bahadur S. C.
 Noyce, The Honourable Sir Frank.
 O'Sullivan, Mr. D. N.
 Pandit, Rao Bahadur S. R.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Ramakrishna, Mr. V.
 Ranga Iyer, Mr. C. S.
 Rau, Mr. P. R.
 Sarma, Mr. G. K. S.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan Gakhar,
 Captain.
 Sloan, Mr. T.
 Sohan Singh, Sirdar.

NOES—19.

Abdul Matin Chaudhury, Mr.
 Abdur Rahim, Sir.
 Anklesaria, Mr. N. N.
 Azhar Ali, Mr. Muhammad.
 Bhuput Sing, Mr.
 Das, Mr. B.
 Ghuznavi, Mr. A. H.
 Jog, Mr. S. G.
 Mitra, Mr. S. G.
 Neogy, Mr. K. C.

Patil, Rao Bahadur B. L.
 Reddi, Mr. P. G.
 Roy, Rai Bahadur Sukhraj.
 Shafee Daoodi, Maulvi Muhammad.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Thampan, Mr. K. P.
 Uppi Sahab Bahadur, Mr.
 Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 17th April, 1934.

LEGISLATIVE ASSEMBLY.

Tuesday, 17th April, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

QUESTIONS AND ANSWERS.

STATEMENT MADE BY MR. GANDHI ABOUT THE CAUSE OF THE EARTHQUAKE.

733. ***Raja Bahadur G. Krishnamachariar:** (a) Has the attention of Government been drawn to the statement made by Mr. Gandhi in various places in the earthquake affected areas that the earthquake was the result of the sin on the part of the higher castes in their alleged deprivation of the depressed classes of their rights?

(b) What steps do Government propose to take in order to stop this propaganda?

The Honourable Sir Harry Haig: (a) Yes.

(b) The Government of India do not propose to take any action.

Raja Bahadur G. Krishnamachariar: Is it the policy of the Government to allow Mr. Gandhi to break the law and commit offences without any safeguards for the people?

The Honourable Sir Harry Haig: The Government are not satisfied that there has been any breach of the law, and in any case there is nothing to show that the speeches are having any particular effect.

Mr. Gays Prasad Singh: Is it not open to the other side to carry on any other lawful propaganda if they think necessary?

The Honourable Sir Harry Haig: I think my Honourable friend, the Raja Bahadur's suggestion was that the propaganda was unlawful: on that there appears to be some difference of opinion.

Mr. B. V. Jadhav: Are not Government aware that Brahmins in various parts of the country take advantage of such calamities and impress upon the ignorant people to make offerings to them and to the gods?

The Honourable Sir Harry Haig: I think I shall leave my Honourable friend, the Raja Bahadur, to answer that question.

Pandit Satyendra Nath Sen: Are Government aware that Mr. Gandhi of his own accord is very shortly proceeding to Ranchi where there is a mental hospital of great repute? (Laughter.)

The Honourable Sir Harry Haig: It never occurred to me to associate the two facts.

Mr. Gaya Prasad Singh: Are Government aware that the Province of Bihar and Orissa is not particularly noted for any sins for which the visitation of the earthquake has occurred?

BAKR-ID RIOT AT AJODHYA.

734. *Bhai Parma Nand: Is it a fact that on the occasion of the last Bakr-Id a riot took place in Ajodhya?

The Honourable Sir Harry Haig: Yes. I would refer the Honourable Member to the statement I laid on the table, on the 7th April, in reply to Mr. Muhammad Azhar Ali's question.

EXTENSION OF TIME LIMIT FOR PAYMENT OF INCOME-TAX IN THE EARTHQUAKE STRICKEN AREA OF BIHAR.

735. *Maulvi Muhammad Shafee Daoodi: Will Government be pleased to state:

- (a) whether it is a fact that no general orders have been issued by the Income-tax Commissioner, Bihar and Orissa, for extending the time limit for the realisation of income-tax in the earthquake-stricken area of Bihar;
- (b) whether Government are aware that a lot of hardship is being caused in the affected area by the realisation of income-tax at a time like the present one;
- (c) whether the Income-tax Commissioner, Bihar and Orissa, visited the earthquake stricken area to see for himself the present deplorable condition of the people there; if so, when;
- (d) whether the Income-tax Commissioner, Bihar and Orissa, submitted any proposal to Government for relaxing the rules in the matter of realisation of income-tax in the earthquake-devastated area; if not, why not; and
- (e) whether Government propose to move in the matter of affording general relief in the earthquake-stricken area in the shape of extending the time limit for the payment of income-tax and of postponing the issue of further notices for the realisation of income-tax till such time as Government consider expedient under the present circumstances?

The Honourable Sir George Schuster: The information is being obtained, and will be laid on the table, in due course.

ASSESSMENT OF INCOME-TAX.

736. *Bhai Parma Nand: (a) Is it a fact that the Income-tax Officers assess persons on the basis of interested information or on mere presumption of their own?

(b) Is it a fact that appeals preferred by the assesseees to the higher authorities, are disposed of without giving the applicants an opportunity to plead their case?

(c) Have Government received a representation, addressed to the effect from one Raizada Badri Nath Bali of Lahore?

The Honourable Sir George Schuster: The general statements contained in parts (a) and (b) are not correct. With regard to part (c) of the question, a representation was received by the Central Board of Revenue from the person named.

NEW BUILDING CONSTRUCTION WORK IN NEW DELHI.

737. *Mr. Muhammad Muazzam Sahib Bahadur: (a) Will Government please state the estimated cost of the new building construction works in New Delhi?

(b) How much money is provided for this purpose during the current financial year?

(c) Is it a fact that during the previous construction work, work-charged employees were engaged in addition to the permanent personnel to cope with the additional work involved?

(d) Is it a fact that this system of work-charged employees has not been operative during the present construction work under the Central Public Works Department? If so, why?

(e) How many subordinates and sub-divisional officers are in charge of the constructions?

(f) How do the present limited staff look after or supervise the works under construction?

(g) Have they any scheme under contemplation for engaging work-charged men in the near future for the new construction works under the New Delhi Central Public Works Department? If so, how many subordinates and Sub-Divisional Officers are likely to be appointed?

The Honourable Sir Frank Noyce: (a) Rs. 98,58,000.

(b) Rs. 67,67,000.

(c) Yes.

(d) The number of work-charged employees is much smaller than on previous occasions, as it was considered that most of the staff required for the supervision of works should, if possible, be employed on a regular basis, that is, as temporary members of the ordinary establishment.

(e) Seven Sub-Divisional Officers and seventeen subordinates.

(f) It is considered that the staff employed is sufficient to supervise the buildings under construction.

(g) The reply is in the negative.

CONNECTION OF PRIVATE BUILDINGS IN NEW DELHI WITH THE MUNICIPAL SEWER AND FILLING IN OF TRENCHES EXCAVATED FOR THE PURPOSE.

738. *Mr. Muhammad Muazzam Sahib Bahadur: (a) What is the system at present prevailing in New Delhi for connecting private buildings with the municipal sewer?

(b) Is it a fact that the Municipal Committee, New Delhi, insists on filling the trenches that are excavated for the purpose, with cement and concrete?

(c) Is it a fact that the same can be done by owners themselves at a much lower cost? If so, why do the Municipality insist on their more costly method?

(d) Do Government propose to direct the Municipality to relax the rule in this connection in favour of the private house-owners, and allow them to fill the trenches referred to with cheaper materials?

Mr. G. S. Bajpai: (a) Connections are made by the Central Public Works Department on behalf of the New Delhi Municipal Committee. That Department prepares estimates, and informs the owner of the cost, and the latter makes a deposit which is adjusted when the work is completed.

(b) Only in the case of trenches dug across bitumenised roads is this condition enforced. This is in order to avoid subsidences in the surface of the roads.

(c) and (d). Government have no information with regard to the comparative cost, but are quite willing to draw the attention of the Municipality to the suggestion, that where the owner can have the work done to their satisfaction he should be allowed to do so.

CERTAIN POSTAL OFFICIALS IN THE BENGAL AND ASSAM CIRCLE INCLUDING CALCUTTA.

739. *Mr. D. K. Lahiri Chaudhury: (a) Will Government be pleased to furnish a statement showing the number of selection grade officials in the grade of Rs. 160—250, as well as Inspectors of Post Offices or Head Clerks to the Superintendents of post offices in the grade of Rs. 160—250, whose names have been arranged in a combined list for promotion to the grade of Rs. 250—350 in the Bengal and Assam Circle (including Calcutta) and who have not yet been promoted to the grade of Rs. 250—350 either in an officiating capacity or permanently on the 31st March, 1984?

(b) Will Government be pleased to state how many of these officials are working in Calcutta, and how many in the mufassil?

(c) Will Government be pleased to state after how many years a selection grade official of Calcutta of the above grade will get promotion to the grade of Rs. 250—350?

(d) Is it the intention of Government that the officials of Calcutta will not get promotion in the grade of Rs. 250—350?

(e) If not, will Government please state whether they have considered the situation that has been created now and whether they have arrived at any decision?

(f) Is it a fact that in the Foreign Post Division, all appointments up to the grade of Rs. 250—350 are confined to the officials working in the Foreign Post Division?

(g) If so, will Government please state why all selection grade posts up to the grade of Rs. 250—350 are not confined to Calcutta?

(h) Are Government prepared to go into this matter? If not, why not?

The Honourable Sir Frank Noyce: (a) and (b). Information has been called for, and a reply will be placed on the table of the House, in due course.

(c) Government are unable to give any estimate, as such promotions must depend on how many vacancies occur, but, in this connection the Honourable Member's attention is invited to the reply given to part (c) of Mr. S. C. Mitra's starred question No. 78, in this House, on the 5th February, 1934.

(d) No; the intention is as stated in the replies to part (a) of Mr. S. C. Mitra's question just cited and part (i) of the Honourable Member's own starred question No. 478 asked in this House, on the 14th March, 1934, and in the late Sir Thomas Ryan's speech in this House on the 10th March, 1934, in connection with Mr. S. C. Mitra's motion for token cut on demand No. 23.

(e) The Honourable Member is referred to the reply, given to part (f) of Mr. S. C. Mitra's question cited above.

(f) If the Honourable Member refers to the office of the Superintendent, Foreign Post, Bombay, the fact is not as stated. In that office, the entire foreign post work formerly done in the Bombay General Post Office, the office of Superintendent, Foreign Mails Division, and the Postmaster-General's office was centralised in 1931, and in the interests of efficiency the staff in the postal branch of that office are maintained in a self-contained cadre for purposes of promotion up to and including the selection grade of Rs. 250—20—350. The staff in the Railway Mail Service branch of that office are, however, included in the general Railway Mail Service cadre of the Bombay Circle.

(g) and (h). Do not arise in view of the reply to part (f) above.

POSTS OF CLERKS SANCTIONED IN THE MONEY ORDER DEPARTMENT OF THE CALCUTTA GENERAL POST OFFICE.

740. *Mr. D. K. Lahiri Chaudhury: (a) Is it a fact that five posts of clerks have been sanctioned in the Money Order Department of the Calcutta General Post Office?

(b) Will Government please state why any supervisory post has not been sanctioned?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The Honourable Member's attention is invited to my reply to parts (b) and (c) of Mr. S. C. Mitra's starred question No. 469, on the 14th March, 1934. After a careful review, the Postmaster-General, Bengal and Assam, is satisfied that there is no case for any additional supervisory staff for the Money Order Department of the Calcutta General Post Office.

CERTAIN WORK DONE IN THE CALCUTTA GENERAL POST OFFICE AND HOWRAH POST OFFICE.

741. *Mr. D. K. Lahiri Chaudhury: (a) Will Government be pleased to furnish the following information, in respect of the Calcutta General Post Office and Howrah Post Office, separately, for the year 1933-34:

(i) Average number of Savings Bank deposits and withdrawals in the office itself and in sub-offices;

(ii) Average number of issue and discharge of cash certificates in the office itself and in sub-offices; and

(iii) Average number of Government security work in the office itself and sub-offices?

(b) Is the number of clerks and supervisors justified in the Calcutta General Post Office and Howrah Post Office, respectively, taking into account all the work of the Savings Bank Departments in each of these two offices?

(c) What is the total number of clerks and supervisors working in the Savings Bank Departments in these two offices?

(d) Is it a fact that the Savings Bank Departments in these two offices are understaffed?

(e) If so, do Government propose to sanction adequate staff for these two offices? If not, why not?

(f) Is it a fact that, in spite of repeated demands, supervisory appointments in the Savings Bank Department have not yet been increased? If so, why?

(g) Are Government prepared to see that the clerks of the Savings Bank Department of these two offices are not required to work till late hours in the coming interest season?

The Honourable Sir Frank Noyce: (a) to (g). Government regret that the information, required for the purpose of a detailed reply to the question, is not readily available. As, however, the Head of the Circle concerned is competent to deal with the points raised, a copy of the question is being sent to that officer for such action as he may consider necessary.

GRANT OF SPECIAL PAY TO DEPUTY SUB-POSTMASTERS IN CERTAIN SUB-POST OFFICES IN CALCUTTA.

742. ***Mr. D. K. Lahiri Chaudhury:** (a) Will Government be pleased to state whether there are Deputy Sub-Postmasters in the following sub-offices in Calcutta:

(i) Baghbazar, (ii) Shyambazar, (iii) Bhowanipur, and (iv) Kidderpore?

(b) Will Government please further state whether the Deputy Postmasters in town sub-offices in Calcutta, who are not in the selection grade, get any special pay? If so, how many of them get special pay and how many do not?

(c) Are Government prepared to sanction special pay to all Deputy Sub-Postmasters or other similar officials who are performing the duties of sub-postmasters during the absence of the sub-postmasters? If not, why not?

The Honourable Sir Frank Noyce: (a) There is a deputy sub-postmaster in the Baghbazar, Shyambazar, and Bhowanipur offices, but there is no deputy sub-postmaster at Kidderpore.

(b) The reply to the first part of the question is in the negative; the remainder of the question does not arise.

(c) No. Only those deputy sub-postmasters and other officials in the ordinary time-scale of pay, who are required to perform entirely supervisory duties and are designated 'Supervisors' are entitled to a special pay of Rs. 20 a month each. The position in this respect is under review by the Postmaster-General, Bengal and Assam.

FRAUD CASES IN THE KALIGHAT POST OFFICE.

743: *Mr. D. K. Lahiri Chaudhury: (a) Will Government please state (i) the average number of Savings Bank deposits and withdrawals in the Kalighat Post Office, Calcutta, during the year 1933-34, (ii) the average number of issue and discharge of cash certificates during the same year, and (iii) the number of clerks justified according to work?

(b) Is there any Deputy Sub-Postmaster in that office? If not, who performs the duties of the Postmaster during the authorised absence of the Sub-Postmaster?

(c) Is it a fact that in the year 1933-34, there were some Savings Bank fraud cases in that office?

(d) Will Government please state how such fraud cases occurred and who were responsible for them?

(e) Do Government propose to sanction a Deputy Sub-Postmaster in that office?

The Honourable Sir Frank Noyce: (a) to (e). Government regret that the information required by the Honourable Member is not readily available. As, however, the Head of the Circle concerned is competent to deal with the points raised, a copy of the question is being sent to that officer for such action as he may consider necessary.

SAFEGUARDING OF SUGAR-CANE GROWERS' INTERESTS IN BIHAR AND ORISSA.

744. *Maulvi Muhammad Shafee Daoodi: Will Government be pleased to state:

(a) whether it is a fact that in response to a demand for the protection of the interests of the cane growers in the Bihar and Orissa Legislative Council during the last Ranchi session, the Government of Bihar and Orissa called a Provincial Sugar Conference at Patna in the first week of January, 1934; and

(b) whether it is a fact that the bulk of the public opinion, expressed in reply to the questionnaire issued by the Government of Bihar and Orissa, was in favour of taking immediate steps for safeguarding the cane growers' interests?

Mr. G. S. Bajpai: (a) Government are aware that a Conference was held.

(b) They have not seen the questionnaire which the Honourable Member says was issued by the Government of Bihar and Orissa, nor the replies thereto.

Mr. Gaya Prasad Singh: Is not the Bill to regulate the prices of sugar-cane which is pending in this House calculated to protect the interests of the cane-growers in Bihar, and elsewhere?

Mr. G. S. Bajpai: It has been brought in with that object here.

SAFEGUARDING OF SUGAR-CANE GROWERS' INTERESTS IN BIHAR AND ORISSA.

745. *Maulvi Muhammad Shafee Daoodi: Will Government be pleased to state:

- (a) whether they have received the proceedings of the Sugar Conference held at Patna in the early part of January last;
- (b) whether it is a fact that the majority of the members of the Conference demanded immediate measures for the protection of the cane growers against the various hardships from which they were suffering; and
- (c) whether Government propose to lay on the table a copy of the full proceedings of the said Sugar Conference before the Sugar Cane Bill is taken up for consideration in this House?

Mr. G. S. Bajpai: (a) to (c). As the Honourable Member is aware, the earthquake which has worked so much havoc occurred in Bihar soon after the Conference. All the energies of the Local Government have since been absorbed in coping with after effects of the earthquake. That is probably the reason why the Government of India have received no copies of the proceedings of the Conference, assuming that they have been completed. It is regretted, therefore, that copies cannot be laid on the table of the House. I may, however, inform the Honourable Member that the Government of Bihar and Orissa have seen the Sugar-cane Bill and agree to the proposed legislation.

Mr. M. Maswood Ahmad: Do Government propose that a copy of the proceedings of the Conference should be circulated to the Members of the Central Legislature who represent Bihar at least?

Mr. G. S. Bajpai: I have said that copies of the proceedings have not been received by the Government of India. In the circumstances it is not possible to comply with my friend's request.

Mr. Gaya Prasad Singh: Are Government aware that due to the paucity of railway wagons the interests of cane-growers in the Bihar earthquake area are suffering to a considerable extent, because the sugar-cane crop is not able to be moved to distant places?

Mr. P. B. Rau: My Honourable friend is aware that the Government of India have adopted special steps to get together as many metre gauge wagons as possible to deal with the situation.

Mr. Gaya Prasad Singh: But are Government aware that the Director of Industries, Bihar and Orissa, has himself admitted in many communications that there is still dearth of wagon supply in the affected area?

Mr. P. R. Rau: Government have taken, Sir, all possible steps to deal with the situation. They have, as my Honourable friend is aware, arranged for certain wagons from the B., B. & C. I. Railway for the Bengal and North Western Railway.

Mr. Gaya Prasad Singh: Are Government aware that the Railway Department themselves have admitted that there was still a considerable dearth of railway wagons for the movement of sugar-cane crops to distant places? It is a matter which is on record.

Mr. P. R. Rau: I am not personally aware of that myself.

Mr. M. Maswood Ahmad: Is it a fact, Sir, that the Chief Commissioner for Railways visited that area in connection with the paucity of railway wagons on the B. and N. W. Railway?

Mr. P. R. Rau: Yes, Sir; he visited the area and he had a meeting with the Cane Marketing Board.

Mr. M. Maswood Ahmad: Will Government please state what steps they have taken after his return from that area?

Mr. P. R. Rau: I should like to have notice of that question.

Dr. Ziauddin Ahmad: In view of the fact that notices have already been published to the effect that special concession would be given to sugar factories in North Bihar, may I ask the Government whether it will not be possible for them to get copies of the proceedings of the Conference as quickly as possible, because that will help the Members of the Legislature?

Mr. G. S. Bajpai: So far as I am aware, Sir, this Conference did not consider the question of giving relief to sugar-cane factories. The Conference was primarily concerned with giving relief to the sugar-cane grower.

Mr. M. Maswood Ahmad: Is it a fact that a Bill for fixing the minimum price for sugar-cane was drafted by the Government without seeing the report of the Sugar Conference in Bihar?

Mr. G. S. Bajpai: No, Sir; the Bill was not drafted before the Conference took place. As a matter of fact, it was drafted after I had personally had a discussion with the Government of Bihar and Orissa on the subject.

Mr. M. Maswood Ahmad: But without seeing the Report?

Mr. G. S. Bajpai: Obviously, Sir, when the proceedings are not available, and when possibly they have not even been printed, they cannot be available to anybody for purposes of study or scrutiny.

PAY, ETC., GRANTED TO THE OLD OUDH AND ROHILKUND RAILWAY STAFF ON PROMOTION.

746. *Rai Bahadur Lala Brij Kishore: (a) With reference to their reply on the 6th February, 1934, to question No. 100, will Government be pleased to state why it is not intended to bring the old Oudh and Rohilkund Railway employees in line with the old East Indian Railway employees in respect of rates of pay and conditions of service, and whether those employees of the old Oudh and Rohilkund Railway who are serving on the old East Indian Railway section are forced to accept the East Indian Railway grades on promotion when they are lower than the old Oudh and Rohilkund Railway grades and to which better grades the old Oudh and Rohilkund Railway employees would have got promoted on individual merit? If so, why?

(b) Do Government propose to instruct the Agent, East Indian Railway to see that the old Oudh and Rohilkund Railway employees on the old East Indian Railway section are on promotion given the equivalent better old Oudh and Rohilkund Railway grades?

Mr. P. R. Rau: I have called for information, and will lay a reply on the table of the House, in due course.

GRANT FROM THE RAILWAY STAFF BENEFIT FUND FOR RECREATION AND ENTERTAINMENT.

747. *Rai Bahadur Lala Brij Kishore: (a) Will Government be pleased to state what is their policy in the matter of giving grant to Railway staff from the Staff Benefit Fund for recreation and entertainments?

(b) Is care taken in giving grants from the Staff Benefit Fund of the fact that

(i) in matters of institutes and recreation, the claims of the staff in lower categories who cannot afford to pay for recreation, being on small pay, receive first consideration; and

(ii) everything being equal, the staff posted at a distance from cities and thus not being in a position to enjoy the entertainments and recreations offered by big cities, receive preferential treatment;

(c) Will Government be pleased to state what funds were allocated in the year 1933-34 for the recreation of staff in the following categories:

(i) lower paid staff, (ii) Indian staff and (iii) Anglo-Indian and European staff?

(d) Are Government prepared to instruct the Agents of State Railways to take into consideration the principles enunciated in sub-para (i) and (ii) Grants for Institutes and Recreation?

Mr. P. R. Rau: (a) Payments from the Staff Benefit Fund are authorised by a Committee appointed under the Rules of the Railway Staff Benefit Fund for State-managed Railways, a copy of which is already in the Library of the House. Rule 8 defines the objects on which monies from the fund can be expended.

(b) and (c). The information available is contained in the statement, showing the figures of monies disbursed from the Staff Benefit Fund, during the year 1932-33, which was placed by me on the table of the House, on 16th February, 1934, in reply to starred question No. 61.

(d) Government consider it unnecessary to add to the rules on the subject which, while, laying down certain general principles for guidance, leave details to the Committee appointed under the rules of whom the majority are elected by the staff.

GRANT TOWARDS THE EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

748. *Rai Bahadur Lala Brij Kishore: Will Government be pleased to state:

(a) what is their policy in the matter of giving grants towards the education of Railway employees' children;

(b) if steps are taken to see that in distributing grants the staff in lower paid categories receive greater assistance;

(c) whether the grant is distributed amongst their Indian, Anglo-Indian and European employees in proportion to the strength of employees of each community on the staff lists of the State Railways;

(d) whether in building staff colonies outside the town areas and at a distance of more than a mile from School Centres, care is taken to see that either a school is provided for the education of staff's children close to the Railway colony or a train or motor bus service is provided to school centres;

(e) whether a particular school is considered fit for the education of employees' children is left to the discretion of the employee rather than the administration and whenever the employee does not consider a school in the vicinity of the place of his posting good enough for his children, whether Government are prepared to give him assistance to keep his children in a boarding school of his choice on the same terms as assistance is given to European and Anglo-Indian staff to maintain their children in the Oak Grove School and other Railway schools;

(f) what is the expense incurred by one of the State Railways in 1933-34 in

(i) maintaining schools for the benefit of its European and Anglo-Indian employees,

(ii) maintaining schools for the benefit of Indian employees,

(iii) giving grant to Anglo-Indian and European employees for the education of their children, and

(iv) giving grant to Indian employees;

(g) whether Government are aware that a distance of five miles or 2½ miles from the place of work and Railway Colony which children of Indian Railway employees traverse both ways in attending schools is injurious to their health; and

(h) whether Government have consulted the medical and educational authorities in the matter?

Mr. P. B. Rau: (a) to (e). The existing policy regarding the grant of educational assistance from railway revenues to the railway employees towards the education of their children is laid down in the rules governing the grant of assistance from railway funds to employees of State-managed Railways towards the education of their children, which were issued under Railway Board's letter No. 4233-E., dated the 25th September, 1930. A copy of the rules is in the Library of the House. As regards the maintenance of existing railway schools and provision of new railway schools, the present policy is contained in Railway Board's letter No. 4233-E., dated the 25th September, 1930, a copy of which I am placing in the Library of the House. The whole question of the educational assistance to be given from railway revenues to the railway employees for the education of their children is at present under the consideration of Government.

(f) Figures for 1933-34, are not yet available. I place a statement on the table containing information for the year 1932-33 in respect of State-managed Railways.

(g) and (h). Mr. Smith's recommendation regarding proximity of schools is contained in paragraph 31 of his Report on the cost of parental educational assistance on the Eastern Bengal Railway under the Railway Board's new rules of 25th September, 1930, a copy of which is in the Library of the House. The matter is, however, still under consideration.

Statement.

Railways.	Expenses incurred in 1932-33 in			
	Maintaining Schools for		Giving grants for the education of their children to	
	Europeans and Anglo-Indians.	Indians.	Europeans and Anglo-Indians.	Indians.
	Rs.	Rs.	Rs.	Rs.
N. W.	14,451	15,638	1,56,158	6,950
E. I.	2,57,137	49,706	45,371	3,991
G. I. P.	33,870	..	85,703	23,823
M. B.	9,563	5,087	51,381	468
Burma	3,414	8,222	1,608	17,562

DRAINAGE AND SANITATION IN THE COLONIES FOR RAILWAY EMPLOYEES.

749. ***Rai Bahadur Lala Brij Kishore:** (a) Will Government be pleased to state if in building colonies for staff the Railways first obtain the approval of the Public Health Department of the locality, or their own Public Health Department, if one exists on the Railways, regarding their drainage and sanitary schemes?

(b) If not, are Government prepared to see that this is done in case of all existing and future colonies?

Mr. P. R. Rau: So far as Government are aware, Railway Administrations consult their own Health Departments regarding the sanitation and drainage of all projects for colonies for staff.

NIRVANA STATUE OF LORD BUDDHA AT KASIA IN THE GORAKHPUR DISTRICT.

750. ***Rai Bahadur Lala Brij Kishore:** (a) Will Government be pleased to state if they have received any request from the Buddhists for permission to create a suitable *Vihara* to enshrine the Nirvana statue of Lord Buddha at Kasia in Gorakhpur District?

(b) If the reply be in the affirmative, will Government be pleased to state if the request was granted and, if so, on what conditions? If not, will Government please state reasons for their refusal?

Mr. G. S. Bajpai: (a) Government have received no such request from Buddhists.

(b) Does not arise.

REMOVAL OF RELICS OF SANIPUTRA AND MAGLLANA TO THE BRITISH MUSEUM AT LONDON.

751. ***Rai Bahadur Lala Brij Kishore:** (a) Will Government be pleased to state if it is a fact that relics of Venerable Saniputra and Magllana have been taken away from the Stupa at Sanchi and are at present kept in the British Museum at London?

(b) If the reply to part (a) be in the affirmative, are Government prepared to negotiate for the return of these relics for purpose of enshrining them in some Buddhist *Vihara*?

Mr. G. S. Bajpai: (a) Government have no definite information, but are making inquiries.

(b) Does not arise.

EXEMPTION OF CERTAIN HINDU CLERKS OF THE RAILWAY CLEARING ACCOUNTS OFFICE FROM PASSING THE PRESCRIBED EXAMINATION.

752. ***Mr. M. Maswood Ahmad:** Will Government be pleased to state:

(a) whether it is a fact that recently three Hindu clerks of the Railway Clearing Accounts Office have been given exemption from passing the examination prescribed in Appendix C to Railway Board's Memorandum No. 5066-F., dated 31st July, 1921, for the purpose of promotion to the rank of clerks class I;

- (b) what their educational qualifications are;
- (c) what their special qualifications are other than educational, in consideration of which they have been exempted;
- (d) whether the same examination was prescribed for promotion to the rank of clerk class I in the Railway from which they have been transferred to this office;
- (e) whether exemption from the examination was refused in the case of Mr. Mohd. Yusaf, a Muslim clerk of the same office, transferred from the East Indian Railway;
- (f) whether Mr. Mohd. Yusaf possesses the same qualifications which these Hindu clerks possess; and
- (g) the reasons for the differential treatment between different communities?

Mr. P. R. Rau: (a) Yes.

(b) I am informed they have not passed the Matriculation Examination.

(c) I understand, they were given special promotion on account of their long service, age and specially good work.

(d) I regret I have not been able to get any information on this point.

(e) I am informed that no exemption was applied for. I may add that the clerk in question proceeded on leave preparatory to retirement, in June, 1983.

(f) If my Honourable friend considers failure to pass the matriculation examination a qualification, the reply is in the affirmative.

(g) As I have already explained, the exemption was given in view of the particularly good work of the men concerned; their religion played no part in the selection, and Government cannot accept the principle that exemptions from passing examinations given for exceptional reasons should be guided by communal considerations. The number of men in the Clearing Accounts Office, who have not passed the Appendix C examination and who have not been exempted, must amount to hundreds and include men of all communities.

Mr. M. Maswood Ahmad: Will Government be pleased to state whether applications are sent by the officer or by the candidates?

Mr. P. R. Rau: Will my Honourable friend please repeat the question?

Mr. M. Maswood Ahmad: The Honourable Member stated that no application had been received. So I want to know whether applications are sent by the officers of the Department or by the candidate himself? Who sends the application asking for exemption?

Mr. P. R. Rau: Recommendations for exemption will be made by the officers concerned.

Mr. M. Maswood Ahmad: I did not ask about recommendations. I am asking about applications.

Mr. P. R. Rau: The officers do not ask to be exempted. The application for exemption has to be made by the candidate himself.

Mr. M. Maswood Ahmad: My Honourable friend said that no application has been received, and so I want to know whether an application of the candidate for exemption is sent by the officer or any candidate, or any clerk of the office can send an application for exemption?

Mr. P. R. Rau: There is nothing to prevent any candidate asking for exemption.

Dr. Ziauddin Ahmad: May I know whether the attention of the Honourable Member has been drawn to the evidence given by the Chamber of Commerce, Calcutta, before the Calcutta University Commission, to the effect that they preferred candidates who had failed in the Matriculation Examination to those who passed the examination in view of the fact that the former possessed better commonsense?

Mr. P. R. Rau: I was not aware of that fact, Sir; but that is very interesting.

Mr. Amar Nath Dutt: Is it a fact, Sir, that the Honourable Member who just put this question was a Member of that Commission?

Mr. N. M. Joshi: Are Government aware that taking university degrees is not a guarantee of commonsense?

Mr. M. Maswood Ahmad: Is it a fact that officers must record their reasons in writing as to why they are recommending certain clerks for exemption?

Mr. P. R. Rau: I am not aware, Sir, whether the reasons are recorded in writing.

CONFIRMATION OF THE MEMBERS OF THE MINORITY COMMUNITIES IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

753. ***Mr. M. Maswood Ahmad:** Is it a fact that some vacancies in the Railway Clearing Accounts Office are kept reserved for the confirmation of men belonging to minority communities? If so, will Government be pleased to state the number of those vacancies and the reasons for not confirming the men of minority communities working in that office?

Mr. P. R. Rau: I understand there are five vacancies in the Railway Clearing Accounts Office, which have been kept reserved for the confirmation of minority communities. It appears that, under existing orders, none of the temporary men working in that office are eligible for confirmation. The question will be reconsidered.

CERTAIN APPOINTMENTS IN THE RAILWAY, CLEARING ACCOUNTS OFFICE.

754. ***Mr. M. Maswood Ahmad:** Will Government be pleased to state:

- (a) the number of men appointed for the Railborne Scheme in the Railway Clearing Accounts Office;

- (b) the number of men appointed for picking up the arrears of the above scheme;
- (c) the number of men appointed against the emergency grant in the Railway Clearing Accounts Office;
- (d) the number of men belonging to the minority communities among the above respectively; and
- (e) whether those vacancies against which men other than the retrenched staff were appointed were advertised for; if not why not?

Mr. P. R. Rau: (a) 51.

(b) 41 for 2 months.

(c) Appointments against the emergency grant, vary from time to time, The number of appointments against this grant at present is 11.

(d) It is not easy to earmark the composition of staff clearly against each specific sanction, and it varies from time to time. During the period 1st April, 1933, to date 121 men were, I understand, appointed of whom 42 belonged to minority communities. 86 of these are still in service of whom 56 are Hindus and 30 belong to minority communities.

(e) The reply to the first part of the question is in the negative. The vacancies were purely temporary, and such vacancies are not generally advertised. Appointments in such cases are ordinarily made from amongst those whose applications for appointment have been registered in the office and the appointments in question which were all made from those belonging to minority communities were made accordingly by the Director, Railway Clearing Accounts Office.

Mr. M. Maswood Ahmad: Will Government be pleased to inform the House whether the registers in which the applications are entered are open to inspection?

Mr. P. R. Rau: By whom?

Mr. M. Maswood Ahmad: By the candidates who apply for a job.

Mr. P. R. Rau: I don't think so.

Mr. M. Maswood Ahmad: What is the source for the candidate to know that his name has been registered or not?

Mr. P. R. Rau: I daresay he will get a reply to his application.

Mr. M. Maswood Ahmad: Am I to understand that a reply is sent to all the applicants?

Mr. P. R. Rau: I do not know, but that is what I conceive will be the case.

Mr. M. Maswood Ahmad: Will my Honourable friend enquire into this question?

(No answer.)

NON-CONSIDERATION OF THE APPLICATIONS OF MATRICULATES AND INTERMEDIATES BY THE DIRECTOR, RAILWAY CLEARING ACCOUNTS OFFICE.

755. *Mr. M. Maswood Ahmad: Will Government be pleased to state:

- (a) whether it is a fact that the Director, Railway Clearing Accounts Office, does not consider the applications of Matrics and F. As. for appointment as clerks in that office; and
- (b) whether it is also a fact that there are more than 400 Hindu non-matrics among the subordinate staff of this office?

Mr. P. R. Rau: (a) No.

(b) I informed my Honourable friend in reply to a question he put early in March, that there were more than 400 non-matriculats in the office. I am not aware how many are Hindus.

PROMOTIONS IN THE OFFICE OF THE AGENT, NORTH WESTERN RAILWAY.

756. *Mr. M. Maswood Ahmad: (a) Will Government be pleased to state whether it is a fact that in the office of the Agent, North Western Railway, Hindu members of the staff who were once declared unfit for promotion from a lower to a higher grade are given second, third and even fourth chances to prove their fitness?

(b) Is it a fact that a Hindu clerk, grade I, of Commercial Branch was promoted to Grade II and found unfit for that grade in the years 1925, 1930 and 1931?

(c) Is it a fact that this clerk is again being given a fourth trial in Grade II by reverting an efficient Muslim clerk?

(d) Is it a fact that Muslim and Christian members of the staff who are once found unfit for a post are never given second, third or fourth trials like Hindus?

(e) Do Government propose to give the same facilities to Muslim and Christian members of the staff as well?

Mr. P. R. Rau: I have called for information, and will lay a reply on the table of the House, in due course.

INCLUSION OF THE MEDICAL DEGREES OF THE PATNA UNIVERSITY IN THE SCHEDULE OF THE INDIAN MEDICAL COUNCIL ACT.

757. *Mr. M. Maswood Ahmad: What steps have been taken by Government for including the medical degrees of the Patna University in the First Schedule of the Indian Medical Council Act as was suggested by them when the Bill was under the consideration of this House?

Mr. G. S. Bajpai: I would invite the Honourable Member's attention to sub-section (4) of Section 11 of the Indian Medical Council Act. The Council has first to make recommendations.

Mr. M. Maswood Ahmad: The question was, what steps had been taken by the Government. What I want to know is whether Government have taken any steps or not?

Mr. G. S. Bajpai: My Honourable friend probably does not recollect what I said on that occasion, namely, that it will be for the Council, when constituted, to take preliminary steps for the purpose of making its report to the Governor General in Council which is essential before Government can take any action in the matter of recognition. So far as I am aware, the Council has not yet made any report to the Governor General in Council.

Mr. Gaya Prasad Singh: May I know if the Council has sent any Inspector to inspect the working of the Medical Faculty in the Patna University before submitting its report as prescribed in that Act which was passed?

Mr. G. S. Bajpai: It will be for the Council to send Inspectors to Patna in order to inspect the examination, but, as far as I know, they have not yet appointed Inspectors for the purpose.

Mr. Gaya Prasad Singh: May I know when such an Inspector is likely to be appointed?

Mr. G. S. Bajpai: I expect it will be shortly.

Mr. M. Maswood Ahmad: Is it a fact that the medical degree of another University which had not been entered in that Schedule at that time has since been entered in that Schedule?

Mr. G. S. Bajpai: No degree which was not entered in the Schedule, at the time when the Act was passed, has been added to it.

HOURS OF WORK OF CERTAIN STAFF IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

758. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that a responsible official in the Railway Clearing Accounts Office, proposed the following orders to the Deputy Director of the Railway Clearing Accounts Office:

"The staff in Machine section including Coding, Punching and Operating, to attend office on 24th, 25th and 26th, each day from 8 A.M. to 7 P.M. except:

(i) from 11 A.M. to 2 P.M. on 24th (Railway Clearing Accounts Co-operative Credit and Thrift Society);

(ii) on 26th the Muslims may not attend provided they keep their work up to date and that the work of other men does not suffer by their absence"

(b) Is it a fact that the proposal was approved by the higher authority?

(c) Is it a fact that the work of Machine section is of dependent and not of independent nature and thus the attendance of Muslim staff was rendered compulsory?

(d) Is it a fact that 26th was a gazetted holiday for Clearing Accounts Office as well?

(e) Is it also a fact that there are only six Muslims out of the total strength of 80 men in the main machine section?

(f) Is it a fact that eleven hours' duty in a day is against the Geneva Convention?

(g) Is it a fact that the office work was suspended for three hours on 24th to celebrate the annual meeting of the Railway Clearing Co-operative Credit and Thrift Society?

Mr. P. R. Rau: (a) and (b). I understand that it was found necessary to call upon the staff in the Machine Section to work late hours on these days.

(c) The work of the Machine Section is partly of a dependant nature, but I am informed that actually none of the Muslim staff had to attend on the 26th March, 1934.

(d) The office was closed subject to arrangements for urgent work and work in arrears.

(e)* Not six, but ten.

(f) No. The Geneva Convention does not deal with hours of works. The Indian Railways (Amendment) Act of 1930 laid down a limit of 60 hours a week.

(g) Yes.

RECRUITMENTS IN THE CENTRAL PUBLICATION BRANCH.

759. *Mr. M. Maswood Ahmad: With reference to the answer to my starred question No. 515, dated the 19th March, 1934, will Government be pleased to state (i) the total number of candidates who appeared in the examination conducted by the Deputy Controller of Printing and Stationery and the number of Muslims among them and (ii) the number of candidates who were selected for recruitment as a result of this examination? How many of them were Muslims?

The Honourable Sir Frank Noyce: Information has been called for, and a reply will be placed on the table of the House, in due course.

REGISTERS FOR ENTERING THE APPLICATIONS OF CANDIDATES IN THE CENTRAL PUBLICATION BRANCH.

760. *Mr. M. Maswood Ahmad: (a) Will Government be pleased to state whether registers are maintained for entering the applications of candidates in the Central Publication Branch?

(b) Is it a fact that, whether there are vacancies in the Central Publication Branch or not, any one is at liberty to apply to get his name entered in that register?

(c) If the reply to parts (a) and (b) be in the affirmative, will Government be pleased to state whether that register is open to inspection by the candidates?

(d) If the reply to parts (a) and (b) be in the negative, will Government please state whether candidates are at liberty to send their applications, irrespective of the fact whether there is a vacancy or not, and that those applications are considered when subsequently vacancies occur?

The Honourable Sir Frank Noyce: (a) No special registers are maintained, but applications when received are entered in the diary and kept together.

(b) and (c). Do not arise.

(d) The reply to the first part is in the affirmative. As regards the second part applications from suitable candidates are considered when vacancies occur.

Mr. M. Maswood Ahmad: Will Government consider the desirability of entering the applications of different candidates in proper registers and of giving information to the candidates that their names have been entered in the register?

The Honourable Sir Frank Noyce: No, Sir. I imagine that, when a candidate applies, he receives an acknowledgment of his application. If that is not done, I will see that it is done, but that seems to me to be quite sufficient for the purpose.

SUBLETTING OF VENDORS' CONTRACTS ON THE EAST INDIAN RAILWAY.

761. *Mr. M. Maswood Ahmad: (a) Will Government be pleased to state whether it is permissible to sublet vendors' contracts on the East Indian Railway?

(b) Is it a fact that in the past many contractors have been punished and their contracts cancelled for subletting the contracts on the East Indian Railway?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 761—764, together. I am obtaining from the Agent, East Indian Railway, information necessary for answering these questions, and shall lay replies on the table, in due course.

Mr. M. Maswood Ahmad: Are Government aware that this is a very important matter, and in spite of several questions the replies always given are that information is being collected and will be laid on the table in the Simla Session? Do Government propose to take any action, of their own accord, within a week or two of their getting information from the Agent?

Mr. P. R. Rau: If Government consider that any action is necessary, they will certainly take it.

Pandit Satyendra Nath Sen: Is the Honourable Member aware that in a meeting of the Central Advisory Council for Railways, which was held last year in December, Sir Guthrie Russel made a statement that subletting is illegal? Was not my Honourable friend present in that meeting?

Mr. P. R. Rau: I was present at that meeting, but I do not recollect that statement.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

†762. *Mr. M. Maswood Ahmad: (a) Have Government received any reply from the Agent, East Indian Railway, in connection with the cancellation of vendors' contracts in the Dinapur Division and subsequent letting of those very contracts to two persons for supply of food and sweetmeats to Hindus and two other persons for supply of these articles to Muslims?

(b) Is it a fact that there was a clause in the previous contracts reserving the right to the Railway authorities to terminate the contracts at any time? Is there any such clause in the contracts now given?

†For answer to this question see answer to question No. 761.

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

†763. ***Mr. M. Maswood Ahmad:** (a) Will Government be pleased to state whether the vendors' contracts in the Dinapur Division of the East Indian Railway have been given after consultation with the Local Advisory Council? If not, why not?

(b) Will Government be pleased to state whether before introducing the new system of vendors' contracts they consulted the Local Advisory Committee and whether they placed the whole scheme about this system before them? If not, do they propose to do so now?

VENDORS' CONTRACTS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

†764. ***Mr. M. Maswood Ahmad:** Will Government be pleased to state whether they have gained anything by the introduction of the new system of vendor's contracts in the Dinapur Division of the East Indian Railway? If so, how much?

TRAFFIC CONTROL IN KHARI BAOLI AND NAI SARAK IN DELHI.

765. ***Mr. Jagan Nath Aggarwal:** (a) With reference to the reply to unstarred question No. 177, dated the 10th March, 1934, that Government are not aware of any undue inconvenience caused to the public by the scheme of introducing one way traffic in Naya Bans, Khari Baoli and Nai Sarak, are Government aware that an application signed by prominent men of Naya Bans was submitted to the Superintendent of Police, Delhi, recently informing him of the heavy loss incurred by the business community in particular?

(d) Are Government aware that this scheme has raised the conveyance charges of the *thelawalas* and *tongawalas*, which has told heavily on the business community?

(c) Do Government propose to take any steps to redress the grievance of the public, and the business community in particular, residing in Naya Bans and Khari Baoli?

The Honourable Sir Harry Haig: I have made enquiries of the Delhi Administration, and will lay a reply on the table, in due course.

INCONVENIENCES CAUSED TO THIRD CLASS PASSENGERS ON THE DELHI RAILWAY STATION.

766. ***Mr. Jagan Nath Aggarwal:** (a) Are Government aware that on the Delhi railway station much inconvenience is caused to third class passengers when they come out of the station?

(b) Is it not a fact that, though there are three gates on the third class platform, only one is open for entrance and exit of passengers, and are Government aware that despite repeated requests the staff on duty turns a deaf ear and is absolutely indifferent to requests to open more than one gate?

(c) Do Government propose to issue directions that when congestion of traffic is likely to occur on account of several trains leaving or arriving at close intervals, the railway staff should afford reasonable facilities to the passengers by opening more than one gate?

Mr. P. R. Rau: (a), (b) and (c). Government have no information, but I am sending a copy of the question to the Agent, North Western Railway, for such action as he may consider feasible to reduce the inconvenience referred to.

UNSTARRED QUESTIONS AND ANSWERS.

PROMOTION OF SUBORDINATE STAFF ON STATE RAILWAYS.

378. Rai Bahadur Lala Brij Kishore: (a) Will Government be pleased to state whether it is not their recognised policy "to offer a fair field" to the staff in each of the subordinate categories of the Indian State Railways to advance in time to the posts in the upper subordinate and local service cadres on their individual merit? If not, will Government please give reasons for the same?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if the staff in each category of the lower subordinate cadres of Indian State Railways have the avenue of promotion open to posts in the upper subordinate cadre, and staff in no category are denied promotion on the plea that promotion in that category stops at a post in the lower subordinate cadre?

(c) Do Government propose to frame the promotion rules of each category on the basis of this policy and remove any disabilities that may exist at present in any particular category?

Mr. P. R. Rau: (a) and (b). Advancement of the subordinate staff in the lower grades is dependent on an employee's seniority, experience and qualification as well as on the occurrence of vacancies in the higher posts of the department to which he belongs.

(c) Government are not aware that there is anything in the existing rules which debars the promotion of any subordinate to the upper subordinate cadre if there is a vacancy for which he is considered suitable.

PROMOTION OF GUARDS ON THE EAST INDIAN RAILWAY.

379. Rai Bahadur Lala Brij Kishore: (a) Will Government be pleased to state why guards are provided an avenue of promotion to the following posts on the East Indian Railway and whether they have their own avenue of promotion open to posts of Mail Train Guards, etc., and qualified staff in the Indian Assistant Station Masters, number takers, and Gunners' categories are available for promotion to these categories:

- (i) Assistant Station Masters and platform assistants at Junction Stations;
- (ii) Assistant Yard Masters;
- (iii) Yard Foreman;
- (iv) Station Masters of Junction Stations; and
- (v) Yard Masters?

(b) Is this extra provision for the staff in the Guards grades made to provide an avenue of promotion to members of one minority community, who preponderate in the higher posts in the Guards line?

(c) In what way are Guards considered qualified to hold these posts in comparison to Indian Assistant Station Masters, number takers and Gunners who pass all their life in big yards and junctions?

Mr. P. R. Rau: (a) This has always been the practice hitherto.

(b)' No.

(c) Only such guards as are qualified will be promoted.

PROMOTION OF HEAD NUMBER-TAKERS ON THE EAST INDIAN RAILWAY.

380. Rai Bahadur Lala Brij Kishore: With reference to their reply on the 6th February, 1934, to question No. 96, do Government propose to convey to the Agent, East Indian Railway, that in laying down the normal channel of promotion of head number takers to the post of yard supervisors it was not intended that in the absence of posts of yard supervisors, deserving head number takers may be debarred from further promotion to other posts in similar or other grades? Are Government aware that the rule in some divisions is being given too rigid interpretation that the Government did not desire?

Mr. P. R. Rau: A copy of the reply to question No. 96 has already been sent to Agent, East Indian Railway.

PROVISION OF A COW-SHED FOR CATTLE BELONGING TO THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

381. Lala Rameshwar Prasad Bagla: (a) Will Government be pleased to state whether there is any cow-shed built for the convenience of the cattle of the Government of India Press employees living in the Press quarters in New Delhi?

(b) If the answer to part (a) be in the negative, will Government be pleased to state what arrangements have been made by them to provide the employees with shelter for their cattle kept outside their quarters?

(c) Are Government aware that from the sanitary point of view it is essential for the employees, keeping cows, to keep their quarters in a neat and clean state?

The Honourable Sir Frank Noyce: (a) None. excepting such as are provided by the Municipal Committee.

(b) None. But the Municipal Committee are arranging for additional cattle byres in the area near the Press.

(c) Government consider that it is desirable for all their employees to keep their quarters in a clean state,

CATTLE KEPT NEAR THE BACK-DOORS OF QUARTERS IN NEW DELHI

382. **Lala Rameshwar Prasad Bagla:** (a) Are Government prepared to enquire from the authorities of the New Delhi Municipal Committee, New Delhi:

(i) whether they remove to the cattle pound the cattle which are, for want of cow-shed, kept near the respective back-doors of their owners for the time they have to clean the compounds of their quarters, and also,

(ii) whether the owners of the cattle have to pay penalty for keeping the cattle near the back-doors, even if they are duly picketted?

(b) If the answers to parts (a) (i) and (ii) be in the affirmative, will Government be pleased to quote any rule of the New Delhi Municipal Committee, in support of their action?

(c) If there is any such rule, will Government be pleased to state (i) the underlying idea and (ii) the necessity for framing such rules?

(d) What action do Government propose to take to modify the rule, if it is in existence?

Mr. G. S. Bajpai: (a) (i) and (ii). Government are informed that the answer to the first part is in the negative. As regards the second part action is taken against those persons only, who offend against the provisions of section 182 of the Punjab Municipal Act.

(b), (c) and (d). Do not arise.

 THE TRADE DISPUTES (EXTENDING) BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I move:

"That the Bill to extend the operation of the Trade Disputes Act, 1929, be taken into consideration."

The measure before the House could hardly be briefer than it is and, in view of the heavy programme which still remains to be dealt with, the House will not, I am sure, expect a long speech from me in support of this motion. I would remind it that the original Bill which it is now sought to extend was introduced in this House in 1928. It represented the result of about five years consideration of the subject and was prepared after prolonged and careful consideration and consultation with Local Governments and with public opinion. The original intention was that it should be a permanent measure, but the Select Committee inserted a clause limiting its operation to five years. In taking this course, the Select Committee obviously did not believe that the need for the measure would disappear after five years. The fact seems to have been that there was considerable apprehension as to its probable working, and a number of Members were evidently distinctly perturbed as to its probable effect on the relations between capital and labour. On looking up the debates on the subject, I find one Honourable Member, who was well acquainted with

labour legislation, said: "I think this is the first time in the history of the labour movement in India that we are faced with legislation of a *very far reaching character*." This note was echoed in several speeches; for example, I find that at least three other speakers referred to the Bill as "far-reaching" or "very far-reaching", and other Members used language which would have conveyed to a stranger in the galleries the impression that the House was discussing something which might have tremendous effects. Now, Sir, I have no desire to belittle the importance of the main Act or to suggest for a moment that the Members who used such grave language were not sincere in their views. But looking back over the past five years, it is somewhat difficult to see traces of those far-reaching effects which it had been feared the Act might produce. As Members who were in this House at the time will remember, the passage of the Bill was followed by reverberations which shook this House to its foundations, but the effect which has been produced outside by the Act has been small. Indeed, the few opinions which are against having a Trade Disputes Act at all criticise it on the ground that it has been very little used. That is indeed true. Tribunals have been appointed on very few occasions. I do not remember any occasion—there may have been some—on which penalties have been imposed for lightning strikes in public utility services, and certainly no occasion has arisen for invoking what was referred to in the debates as Part III of the Act, that is, the provisions which deal with illegal strikes and lock-outs. Nonetheless, the Act in my view has served a very useful purpose. The tribunals that have been appointed have done most useful work. I need only refer to two of them, the Board of Conciliation which worked out a settlement of the dock disputes in Rangoon which had previously been attended by terrible tragedy and the Court of Inquiry which reviewed the steps taken in effecting retrenchment on the railways throughout India. Further it is important to remember that the utility of provisions of the kind found in the Act is not to be measured by the number of times they are invoked. The power to appoint a tribunal has been of value even in cases where it has not been actually used, and the fact that the provisions for the protection of the public contained in the concluding sections have rarely been invoked does not mean that they have been useless. It would be as reasonable to suggest that a particular crime should cease to be punished, because it has rarely been committed or that a fire insurance policy should not be renewed because there has been no fire.

Now, Sir, I do not propose to elaborate the case for the retention of the Bill, because I think that Honourable Members who have studied the papers at all closely will see that opinion generally is strongly in favour of making the Act a permanent measure. I am not going to assert that the Act is incapable of improvement for, as the House is aware, we have collected a considerable number of opinions and have received various suggestions for its amendment. For reasons, which I explained when I introduced the Bill, it was impossible to incorporate any provisions of that kind in the Bill, but if the Bill is passed, those opinions will receive very careful consideration. I am convinced that the Act is generally suited to our needs and that the necessity for its retention has become increasingly apparent. We are living in a time when changing economic conditions and the growth of consciousness in the labour world tend to place a strain on the relation between employers and employed, and any machinery which will tend to prevent disputes or alleviate their effects should be welcome,

[Sir Frank Noyce.]

Some of the critics of the proposals for legislation in the years prior to 1928 suggested that a measure of this kind, in order to be properly effective, required a more advanced type of labour than India has yet evolved. There was and still is some force in this contention, but labour is not standing still, and I think that the methods of conciliation and inquiry embodied in the Act are likely to prove increasingly effective as time goes on. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill to extend the operation of the Trade Disputes Act, 1929, be taken into consideration."

Mr. Abdul Matin Ohaudhury (Assam: Muhammadan): I rise to oppose this motion. As the Honourable Sir Frank Noyce has pointed out, this Bill was passed originally in 1929 when its period of operation was limited to five years. I would like to remind Honourable Members that when the Act was originally passed, it aroused bitter controversy, both inside the House and outside, and it encountered strong opposition throughout the country. The trade union movement was vigorous in denouncing some of its provisions and this Bill was passed in the teeth of strong non-official opposition from the Members of this House, and though the Bill was passed, the Select Committee made a provision that its period of operation should be restricted to five years. They made that provision, because it was assumed that, after the experience of the working of the Act for five years, it will be possible to examine afresh the necessity of the measure before it is made permanent or amended or repealed. It seems that the Government have evidently come to the conclusion that the measure should be made a permanent one, and this, I think, is without any sufficient justification.

This Bill contains a clause which seeks to make permanent the Trade Disputes Act of 1929. That Act contains principles and provisions which are partly innocuous and partly vicious. This Trade Disputes Act provides for the settlement of trade disputes through the intervention of Courts of Enquiry and Boards of Conciliation. These Boards of Conciliation and Courts of Enquiry are fairly innocuous instruments for settling trade disputes which I do not think will evoke any serious opposition from any section of this House, but whether the action taken under this Act has led to any fruitful result will always remain a matter of opinion. Anyway the continuance of these provisions with regard to Boards of Conciliation and Courts of Enquiry themselves are provisions which I do not think will seriously be opposed by this House, but there are other provisions in this Act which are of a penal nature, which restrict the right of the workers and which, I think, should never have been passed either temporarily or permanently by this House. Circumstances in 1929 did not justify the passing of this Act and the reason for its continuance today is very much less obvious to us today. What has been our experience of the working of the Act for the last five years? During the last five years, only two Courts of Enquiry and Boards of Conciliation were appointed, though there were over 500

strikes throughout the country. There have been complaints that Government have been reluctant to utilise the machinery of this Act for the settlement of trade disputes, but now it seems that the Government are most anxious to make this measure permanent. This, Sir, creates the impression that it is not any partiality for Board of Conciliation or Court of Enquiry that is prompting the Government to enact this measure permanently, because, as I have said, the machinery under this Act has been very rarely used. It is only because the Government want to keep their armoury well equipped with repressive weapons that they are going to make this Act permanent. What is the nature of the repressive provisions that this Act provides? It makes strikes in public utility services, as the Honourable Members are aware, a penal offence if it occurs without notice and it makes sympathetic general strike illegal. It debars thousands of workers throughout the country in railway service, in postal and telegraph service and in municipal service, of the opportunity to resort to strike without notice, and it puts them in a disadvantageous position in the matter of securing a redress of their grievances. I maintain that the right whether a man should work or not is a fundamental right of citizenship, and this Bill deprives thousands of workers all over the country from the exercise of that right and the House should ponder over the consequences of enacting such a measure permanently by this House.

The grievances of the Indian workers are many and varied. Their wages are low. Their working hours are long and the conditions of their service are often very arduous, and they have still a long uphill struggle to go through before their standard of life can approximate to the modern civilized standard; and the only weapon that is available to the worker for the redress of his grievances, when appeals and representations fail, is to resort to a strike with all the suffering that it involves. No worker, we may be sure, will embark on a strike in a light-hearted manner, for it means starvation for him and his family and the total exhaustion of all his hard-earned savings. It is only then when the conditions become intolerable that he chooses this alternative of a strike, and I would ask the House whether it is fair, whether it is desirable that we should place in the hands of the employer an instrument which will place the worker at a disadvantage in fighting for the redress of his grievances and which will make strikes practically infructuous.

When, Sir, this Act was passed in 1929, doubts were expressed as to the utility of this measure; and I maintain, after the experience of five years or so, that the fear on which it was based were totally unfounded. Has it been necessary to apply even once the penal provisions all through the country during the last five years? I think the answer must be in the negative. Then, why are you assuming powers which you do not need to exercise? Measures that have been necessary in England for preventing a general strike in that country cannot be introduced in India, because the conditions here are quite dissimilar. There, in England, the organised labour has got the power to threaten the very existence of society by means of a general strike; and a measure that may be necessary for the preservation of the social fabric in England is quite unnecessary in India, where labour is unorganised and disunited; and, even in England, if the Labour Party is returned by a parliamentary majority, it is doubtful whether the Trade Disputes Act will find a place in the Statute-book.

There is another disadvantage, Sir. This Act hinders the growth of the trade union movement of the country. The trade union movement, as

[Mr. Abdul Matin Chaudhury.]

Honourable Members know, in this country is in an infant stage. People join trade unions, because they feel that by the exercise of their organised strength, they will be able to secure the redress of their grievances more easily and this power to launch a lightning strike is the only effective weapon in the armoury of strikers; and if you take away that power from him, then the unorganised labour will not be in a position to secure the redress of his grievances and this takes away his impetus to his joining the trade union movement. I maintain that it is unnecessary to arm the executive and the employer with the powers that are given under this Act. When this Act was passed in 1929, it was a sort of emergency measure; and a power that may or may not have been necessary in 1929, when the horizon was overcast with impending labour troubles, is obviously not necessary today when the situation is fairly tranquil. Sir, the last five years have been years of great political struggle, turmoil and unrest, and yet it was not even once found necessary to requisition the penal provisions of this Act in order to defeat the objects of political agitators who might be fomenting troubles in industrial areas. In 1929, labour was better organised, and the trade union movement was more aggressive and vigorous. Today the trade union movement is in a state of inanition, it is disunited, it is disorganised, so that the power that may have been found necessary in 1929 is, I maintain, quite unnecessary today. And, even in 1929, it was thought necessary to make this Bill a temporary measure. I would ask the Honourable Member, Sir, what is the occasion to make it permanent today? If in 1929, when the labour movement was more vigorous and aggressive, it was considered necessary to make it only a temporary measure, there is surely no justification for seeking to make it permanent at the present moment when conditions are so tranquil. The fact, Sir, that five years have passed since the Act was put on the Statute-book is no argument for its continuance. I should, on the contrary, think it is an argument for the repeal of the Act, because experience has shown that it is not of much practical value. The proper course for the Government would have been to introduce an amending Bill and remove all the obnoxious features from this Act.

My friend, the Honourable Sir Frank Noyce, has suggested that it is because of the congestion of legislative business that the Government could not bring forward any amending Bill. But if the congestion of legislative business stood in the way of the Government's introducing an amending Bill, then the Government might have introduced an extending Bill extending the period of operation for some time till they were in a position to bring forward an amending Bill. I hold the view, Sir, that no case has been made out for making this measure a permanent one.

Then, Sir, the Honourable Sir Frank Noyce has said that the opinions that he has quoted are strongly in favour of making the measure permanent. I went through the opinions rather carefully, and my impression, on the contrary, has been that the opinions are generally in favour of not making it a permanent measure at this present stage and in the present form. Sir, the important organisations of labour are practically unanimous in the view that there should be a further period of experimentation. They hold the view that this Bill should be amended suitably in the light of the experience of the past few years and that the result of that amendment should be watched for a further period of five years before it is made permanent; and this view is held by important employers of labour like

the Bombay Millowners Association, the Ahmedabad Millowners Association, the Bombay Chamber of Commerce, the Agent of the G. I. P. Railway, the Agent of the B., B. & C. I. Railway. I believe also from the Bengal side the jute, the paper and the engineering industries, represented on the Bengal Chamber of Commerce, also hold the same view. From the labour side also, the Social Service League of Bombay and the National Seamen's Union of Calcutta press for amending the Bill and watching the results for a further period before it is made permanent. In view, Sir, of this marked unanimity among the workers and the employers on this particular question, Government should have refrained from making this measure permanent in this form.

There is another consideration. Since the Act was passed, it came under review by the Royal Commission on Labour, and the opinion expressed by the Royal Commission is not, I think, favourable to the continuance of this measure in its present form. The Labour Commission observed that the Indian Act has copied the less valuable part of the English Act and has ignored the more valuable part of it. They further said that the weakest point in the Indian Act is that, while it denies the Indian workers in the public utility services the power to force their employers, it gives them no corresponding advantage or assurance that, when they have a grievance, that grievance will receive careful consideration. The Royal Commission suggested that the Act should be amended on certain lines. But what the Government are doing today is to make the measure permanent with all its defects and they give us the assurance that at some future date they will take up the amendment of the Act. As I said, the proper thing for the Government to do would have been to amend the Act first and then make it permanent. What should have been done now is being put off for the future and what should have been done in the future is being done in the present. The result is that the position is literally preposterous, and I, therefore, oppose this Bill.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): Mr. President, I think the object underlying the Trade Disputes Act must commend itself to every one of us. As my Honourable friend, the Member for Industries and Labour, stated, the prevention and settlement of disputes and the creation of a machinery for alleviating their effects, when disputes do occur, must command the support of both employers and workers. But I feel some difficulty in supporting this motion as it stands. As every one knows, the Trade Disputes Act has failed to function in the manner we hoped it would, and the experience of the last five years is not exactly encouraging. It is perfectly true that the Act is being scrutinised and certain amendments have been suggested which will come up for consideration during the next few months. But the point is that it is rather premature to talk of making this Act a permanent measure without ascertaining, first of all, whether those particular amendments which may be embodied in the new Bill will achieve the object any better. Under these circumstances, I feel that it will be a very advisable course for Government to introduce a provision that, at the end of five years, there will be a review of the operation of the Act. If that is done, I am sure, it ought to meet the point of view of my Honourable friend, the Deputy President. He has raised various objections to this measure. It is perfectly legitimate from his own point of view to argue that the penal provisions are of such a character that labour interests cannot support them. But surely my

[Mr. H. P. Mody.]

Honourable friend realises that the fundamental object of the measure, namely, the prevention and settlement of disputes, is one which must certainly commend itself to both labour and capitalist interests. The proper place and the proper time for raising objections to the various provisions of the Act is when those provisions are before the House. They are not before us now. The only thing that is sought to be done today is to enact that the measure should be of a permanent character. I submit that if the Government meet my suggestion that they will lay down a definite condition that, at the end of five years or any other such period, the Act will again be reviewed, then I think it will meet the objection of my Honourable friend and of others who think with him. Of course, I know that my Honourable friend, Sir Frank Noyce, will say that any Act is open to amendment. But the amendment of an Act in the ordinary way is one thing, and a definite provision for a review is quite another thing. The latter alternative ensures that, at the end of a certain period of time, the Act will be re-examined before it is sought to be continued.

There is just one other point which I would like to mention. I do not think my Honourable friend, the Deputy President, was quite fair to the Member for Industries and Labour. Surely Sir Frank Noyce is the last person to be charged with harbouring any designs against the interests of labour. He can be trusted fully to hold the scales even between the two interests, and I am sure his record during the last two or three years justifies us in holding that with confidence. (Hear, hear.) I am sorry that any ulterior motive should be suspected in this motion before the House. I am sure that when Sir Frank Noyce comes to realise that there is a feeling that this Act requires to be reviewed at the end of a definite period, he will give us that assurance, and, in that event, I am sure the Opposition will be altogether withdrawn.

Mr. Abdul Matin Chaudhury: On a point of personal explanation, Sir. I did not make any personal charge against the Honourable Member for Industries and Labour. I only said that the effect of this measure, if it was made permanent, would be to strengthen the repressive armoury of the Government.

Mr. N. M. Joshi (Nominated Non-Official): The speech of the Honourable the Deputy President has clearly shown that this measure is not entirely in the interests of labour. He has stated that like the curate's egg it is good in some parts and it is very bad too in other parts. I agree with the Deputy President that the Government of India should have found time and opportunity to revise the measure and introduced a Bill with amendments to improve the measure which was originally passed. Unfortunately, they have not done so. Under the present circumstances, as the Government of India are willing to bring forward another measure amending this Bill, I am quite indifferent about the fate of this Bill.

Sir, the necessity for the intervention of Government in an industrial dispute is quite clear. The industry in the present circumstances is run on such a basis that industrial disputes are inevitable. We may not like them, but they are bound to be there. The conditions of life and work which the employees secure under the present industrial organisation are fixed by a process of discussion, negotiation and ultimately of fight. The workers have no voice at all in deciding on what conditions they would

work. So, industrial disputes are inherent in the present system. These industrial disputes, besides affecting the interests of the workers and of the employers, many times affect the interests of the public. That being the case, the right of the Government to intervene in industrial disputes cannot be challenged. I hold that there is another good reason why the Government of India should intervene in an industrial dispute, especially in a country like India, where labour is not educated and it is ignorant. Consequently, the workers are not organised. The employers in this country are educated, and, as we all know from the example of our friend, Mr Mody and others sitting to my left, they have a very great political influence. They are very well organised, and, under these circumstances, I feel that in our country there is special need for the Government to intervene for the protection of workers when there is a dispute between the employers and the workers. I, therefore, not only do not question the utility of a measure where Government will intervene to settle an industrial dispute, but I feel a measure of that type is absolutely necessary.

Sir, the present Trade Disputes Act has two parts, in one part it provides machinery for the settlement of disputes and the machinery is of two kinds, the first type of machinery consists of what is called the Conciliation Board and the second type of machinery is what we may call the Court of Enquiry. The second part of the Act is an Act which is adverse to the interests of labour. It penalises both a lock-out and a strike in public utility services. It also penalises what we may call a general strike or a general lock out. This part of the legislation is generally not expected to be employed against employers. I have not yet seen it being used against the employers. It is generally used against the workers.

Now, Sir, I shall first deal with the first part of the legislation, namely, where the machinery is provided for the settlement of industrial disputes. Sir, this legislation has been in existence now for five years, and I feel that these provisions for settlement of industrial disputes have not been used as often as they should have been. I feel the Government of India are sometimes ashamed of the power and perhaps afraid of the power which the Act has given to intervene in industrial disputes. It is true that the Government of India used this power twice as regards the settlement of two railway disputes. I feel that the Government of India had several other opportunities to intervene in industrial disputes, and, if they had intervened, a great deal of loss to the railways as well as to the workers employed on railways would have been saved. There was a strike in the G. I. P. Ry.; the Government of India could have intervened, but they did not do so. There was a strike on the Madras and Southern Mahratta Railway and the Government of India could have intervened, but they did not do so. So far as the Madras and Southern Mahratta Railway is concerned, we all know that the duty of settling the disputes fell upon the Committee of the citizens of Madras. These citizens did perhaps what they could do, but a Committee of citizens is not the committee that could settle a labour dispute, at least that was not the opinion of the Government of India when they passed the legislation. The result was that the Citizens committee in Madras blundered with serious consequences to the workers employed on that Railway. I can give several other industries where the Government of India could have intervened, but where they did not intervene. So far as the Provincial Governments are concerned, it is only one Provincial Government

[Mr. N. M. Joshi.] . . . that used this legislation and that too only once, and that was in Burma. It is true in Bombay also a Committee of Enquiry was once appointed, but that was not, strictly speaking, under this legislation. So this piece of legislation during the past five years was used only three times, and it was used only once by one Provincial Government. Not that there were no industrial disputes during the last five years, there were several industrial disputes, but unfortunately the Provincial Governments do not think that a machinery of this kind need be used at all. The Provincial Governments have a feeling that they have no duty at all, unless and until there is a strike, and if there is a threat of a strike, the Provincial Governments feel that their duty is clear and that duty is to support the employers by the use of section 144 of the Criminal Procedure Code. If a strike is threatened, meetings will be banned and restrictions will be placed upon those people who are likely to help the workers. Under the present weak condition of the organisations of workers and also on account of the ignorance and helplessness of the workers, this method of preventing industrial disputes or trade disputes may appear successful. But I feel the policy which the Provincial Governments are following in refusing to intervene in the industrial disputes except by the use of the powers which they possess under section 144 of the Criminal Procedure Code is a fatal and a wrong policy. Today the community and the Government may not suffer on account of this short-sighted policy, but labour in India will one day organise itself. Labour in India will one day become educated, their strength will increase, and if they once have a feeling that in industrial disputes the Provincial Governments in this country, in order to help the employers and to prevent strikes, use all their powers for coercion against the workers, then there will be greater difficulties than we can imagine today.

I shall now come to the second part of the legislation which we are considering, namely, that part of the legislation which is intended to affect the workers adversely. In the first place, there is a section which deals with public utility services. The right of workers to go on strike in a public utility service is restricted. In the first place, I do not understand, Sir, why the withdrawal of labour by the workers or refusing to work by workers should be treated as a criminal offence even in a public utility service. It is the natural right of any human being to refuse to work for an employer whom that person does not like. It is wrong, I hold it is akin to slavery, to compel a man to work for an employer against his wishes. I, therefore, do not accept the principle that even in a public utility service refusal to work should be made a criminal offence under any circumstances

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
madan): What is the law in England?

Mr. N. M. Joshi: I am coming to that. I feel, Sir, that it is not right that we should put these restrictions upon the freedom of workers. I am asked, what is the English legislation? I have to admit that in England too, under certain circumstances, in what are called public utility services, the right to go on strike is restricted, it is limited, but there is some difference between the English Act and our legislation.

Sir Hari Singh Gour: Not only restricted, but penalised.

Mr. N. M. Joshi: In the first place, in England, the public utility services are defined and stated what they are. Under our Act, the power is given to the Government of India to declare any industry as a public utility service. If my Honourable friend, Mr. Mody, or my Honourable friends on my left, with all the great political influence, which they have, approach the Government of India tomorrow and say that the textile industry should be considered a public utility service, or some other industry, in which the gentlemen on my left are interested, should be regarded as a public utility service, it will not take more than a few days to have those industries declared as public utility services. That is a difference between the English Act and our Act. The English Act has left no discretion to the Government in this matter. Then, there are some other differences too. The main English legislation which penalises a strike in a public utility service is what is called the Law of Conspiracy and Protection of Property, 1875. The law is amended by the legislation of 1927. But, in the English legislation, it is not a mere withdrawal of labour which is penalised. The withdrawal of labour must be wilful and malicious. The employer or the Government who prosecutes the worker has to prove that the withdrawal was malicious and also wilful, and, secondly, that the worker understood the consequences that his withdrawal would lead to danger to life or property or hardships to the community. So the English law is much more restricted than our law. Our law does not look into the motive at all. The act may not be a malicious act, it may not be a wilful act. Therefore, the analogy of the English Act does not hold good at all.

Sir, my Honourable friend, the Deputy President, has pointed out that the Royal Commission, which considered this question, came to the conclusion that this provision, as regards the restriction of the worker's rights in public utility services, is an one-sided provision which places the workers at a disadvantage inasmuch as the right to go on strike is restricted. I may say that it is practically impossible to have a strike in a public utility service under these restrictions. The Royal Commission, having recognised that fact, stated that inasmuch as a disability has been placed upon the workers, there should be some advantage given to the workers in the public utility services. I do not know what exactly the Royal Commission did propose, because, I think, the Royal Commission did not go into the details of this question as to what advantages should be given. In the first place, if you restrict the right of the workers in an industry to withdraw the labour or refuse to do work for the employer under conditions which the workers do not approve, and if you want to compel the workers to work, there must be some obligation placed upon the employer and Government also must shoulder some responsibility. Sir, in many countries, where such restrictions are placed upon the liberty of the workers, they are given some compensating advantages. For instance, in Canada, although the right to go on strike is restricted, it is incumbent upon Government to make an inquiry when the workers feel that they have a grievance against the employer or where the employers have changed the conditions of service. We are not providing by our legislation that, if workers have a grievance, there shall be an inquiry into that grievance. I would go a little further and say this, that if we are making it very difficult for the workers in public utility services by placing a disability upon them, the Government of India should take steps by legislation to see that proper conditions of work and life are provided for employees in the public utility

[Mr. N. M. Joshi.]

service. I would suggest to the Government of India that although they may not take steps for the protection of workers as regards unemployment, sickness and old age as in all other countries, let them take steps first for the protection of workers in the public utility services. If you are placing a disability on the workers in a public utility service, give them some advantage that employers in a public utility service shall provide some kind of unemployment insurance, some kind of health insurance or some kind of old age pension. Let some kind of benefit be given to those workers in a public utility service if their right is to be restricted and a disability is to be placed upon them.

Sir, there is another disability placed upon the workers by the present legislation, and that disability is as regards a general strike. A general strike has been made illegal, and it has been defined as a strike which extends beyond the limit of one industry and which is supposed to be made or intended for coercing Government. Now, Sir, I do not know why a general strike as a strike extending beyond the limit of one industry and also intended to coerce the Government should be made illegal. What is the object of a strike? The object of a strike is that the workers should, by their organisation and by their combined strength, achieve what individually they are unable to achieve. The strike is intended to coerce somebody. It either coerces the employers, and if it is a large strike extending beyond the limit of one industry, it will, whether it is intended or not, coerce the Government to some extent and will also cause some hardship to the community. Sir, I am not one of those people who would like any section of the population to cause unnecessary hardship to the community, but if the community expects a section of workers to give up its right of going on a strike, in order that the community should be saved from hardships which may be caused by the withdrawal of labour, it is the duty of the community to look after the interests of the workers. If the community looks properly after the interest of the workers, the workers certainly will not cause hardship to the community. I, therefore, feel that it is wrong to make a general strike illegal. It is the right of the workers to combine not only within one industry, but even beyond the limit of one industry. Why should not the workers combine and organise themselves into one big organisation going beyond the limit of one industry and use that organisation to achieve their object? The employers themselves, like Mr. Mody, have organised themselves into a body of industrial employers. I am told there is another organisation in the country of the industrial employers. I do not know their names, but there are two organisations in this country of the employers going beyond the limit of one industry. Why have they formed those organisations going beyond the limit of one industry? Because they feel that all employers in the country as a body,—not the employers in one industry, but all the employers as a class,—should organise themselves to achieve some object. If it becomes necessary for them to fight the workers, as one body of employers

Mr. F. E. James (Madras : European): By constitutional means.

Mr. N. M. Joshi: I feel that strike is a constitutional means. If you declare strike as an unconstitutional means, the strike will become unconstitutional. The Government of India declare an ordinary public

meeting as unconstitutional and illegal. Public agitation by public meetings becomes unconstitutional. So it depends upon what you make legal and what you do not make legal. I feel that strike is a constitutional method, and I feel that a general strike is a constitutional method

Sir Hari Singh Gour: Is that what was held in England?

Mr. N. M. Joshi: In England, there was a general strike and there was a Government which were against the workers of that country and they passed legislation as our own Government have passed legislation prohibiting meetings and declaring meetings illegal. What is the wonder if we find some Government in Great Britain which declare a general strike illegal? Even a public meeting, even a speech made somewhere in a small place may be declared illegal; and so the fact that in England a general strike is declared illegal does not make general strike an illegal method of agitation or an unconstitutional method of agitation.

Sir Hari Singh Gour: It was not declared illegal: it was found to be illegal.

Mr. N. M. Joshi: It was made illegal by changing the law. My Honourable friend, Sir Hari Singh Gour, does not know the fact that in England the law was changed on the initiative of his friend, Sir John Simon. I do not wish to say anything more than this, that I do not approve of this provision and I hope that when the Government of India try to change the law and bring before this Legislature amending legislation, they will remove these two provisions, namely, provision as regards public utility services and also provision as regards the general strike. I feel that if the Government of India want that there should be peace in the industries in this country, they should go much further than passing a legislation of this kind. The Royal Commission on Labour has made several other recommendations besides the passing and the amending of the Trade Disputes Bill. The Royal Commission on Labour has pointed out several reasons as to why industrial disputes take place: they have pointed out that there is not much contact between the people represented by my Honourable friend, Mr. Mody, and the workers themselves. My Honourable friend, Mr. Mody, yesterday said that I did not visit the mill areas. The Royal Commission on Labour has stated that there is not much contact between the employers and the workers in this country. They have pointed out several methods by which the contact should be improved. I do not say any word about the number of visits my Honourable friend, Mr. Mody, has made to the areas where the mills are situated; but I know this fact very well, that employers in India generally and specially in Bombay hardly know what their workers are: many of them sit in their offices either in the Fort or in some area in Calcutta from 11 to 5: in the morning they go to their factory, sign some papers in five minutes time and return home. I am told that this is not true of Calcutta: it may not be true of Calcutta—I do not know much about Calcutta. The Royal Commission found that in spite of what my Honourable friend, Mr. Mody, thinks about myself, there is not much contact between the employers and the workers—human contact. It has recommended several measures. The

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Royal Commission has pointed out the difficulties that arise on account of misunderstanding caused by the difference in race of the employers and the workers. The Royal Commission has pointed out that the Managers do not understand the language of the workers and the Managers are expected to manage the workers. The Royal Commission has pointed out that the employers can take and the Government can take several measures to establish contact between the workers and the employers. They have suggested some form of organisation on the model of the Whitley Committees in England. The Royal Commission has suggested to the Government of India and the Provincial Governments that whenever this relation between the employers and the workers becomes strained, there should be some officer with the Government ready who will be watching the situation and who will, by methods of conciliation, bring about a settlement between the employers and the employed even before the strike takes place. The Royal Commission lays great stress upon the work to be done, not for settling the dispute after the dispute arises, but to prevent disputes taking place; and, with that object, the Royal Commission made several recommendations. One of the recommendations was that with the Provincial Governments there should be some officers to bring about conciliation between the workers and the employers. The Government of India are a great employer. The Government of India should also have an officer for that purpose. The Government of India as employer on our railways have not done what they were asked to do by the Royal Commission on Labour in this matter. The Royal Commission on Labour, in order to prevent disputes on the railways, recommended that there should be a joint machinery for discussion, negotiation and settlement of the disputes, established by the Government of India. What have the Government of India done after the recommendation of the Royal Commission? Nothing has been done although the recommendation is now more than two years old. I, therefore, feel that the Government of India should not be content with merely passing legislation of this kind. Legislation of this kind is not going to bring about industrial peace. Several recommendations have been made by the Royal Commission on Labour which should be given effect to. Personally, I hold that if permanent industrial peace is to be established, it cannot be established by merely bringing into existence machinery to settle disputes or even by the appointment of officers to bring about good relations between the employers and the workers. To establish industrial peace, we must go to the very root of the problem; we must find out why industrial disputes take place, and if we go to the root of the problem, we will find that the root is not on the surface, but it is beneath the surface; the root of the dispute is the main basis on which industries are developed. We shall have to change that basis. We are trying several methods to bring about peace in our political relations, and we shall not succeed in it till we establish self-Government in this country. Similarly, if you wish to establish permanent peace in industry, you will have to recognise the right of labour to control an industry, as we recognise the right of the capitalist to control the industry. If permanent peace is to be established in industry in this country, it can only be established by joint control of the industries, by the employers, by the workers and by the community as a whole. Mr. President, I have done.

The Honourable Sir Frank Noyce: Sir, I do not propose to follow my Honourable friend, Mr. Joshi, in a lengthy discussion of the merits of the

main Act. My friend was not in this House in 1929 when that Act was passed, and I could not help thinking when I listened to his speech this morning that he was delivering to this House the speech that he would have delivered if he had been present when the Bill was under discussion. As I understand the criticisms of my Honourable friends, the Deputy President and Mr. Mody, they are to the effect that the Act is not of much use. I find it a little difficult to reconcile that criticism in the case of my Honourable friend, the Deputy President, with his further criticism that its provisions are too drastic. It is certainly somewhat unusual to find in this House agreement between the representatives of employers and of labour on any matter. The best test of excellence of a Bill would undoubtedly be that they should be agreed that it is a good Bill; but, failing that, Sir, the second best test is that they should agree that it is a bad one

Mr. H. P. Mody: I never said that it was a bad Bill. I said that the Act had not functioned as well as it should have.

The Honourable Sir Frank Noyce: . . . that is an unsatisfactory Bill, and that test is evidently satisfied by the Trade Disputes Act.

Sir, there are just two points that I should like to mention which were raised by my friend, the Deputy President. If I understood him correctly, he said that a lightning strike was the only effective weapon which labour possessed. I would remind him that, in the cases covered by section 15 of the Act, the employers and the workers are not the only parties closely concerned. I would ask the House whether the community should be liable to have its life disorganised without even fifteen days notice? That point was also raised by my Honourable friend, Mr. Joshi, and I would ask him the same question.

Then, again, Sir, the Deputy President said that the Act prohibited sympathetic strikes. That is not correct. It only prohibits such strikes, if they satisfy the second conditions in clause 16, and I would remind the House what that condition is:

"A strike or a lock-out shall be illegal which is designed or calculated to inflict severe general and prolonged hardship upon the community and thereby to compel the Government to take or to abstain from taking any particular course of action."

I was surprised to hear from my friend, the Deputy President, that the continuance of the Trade Disputes Act would hinder the development of the Trade Union movement. To that, Sir, I entirely demur. I should certainly not be a supporter of any measure which was designed or which I felt was calculated to have that effect. For, Sir, I am convinced that it is only in the development of a sound and sane Trade Union movement that there is any hope for the future of labour in this country. My Honourable friend, Mr. Joshi, in the course of the discussion yesterday, accused me of criticising his presence in this House, and his tours to Geneva and to conferences elsewhere. I have never done anything of the kind. I fully recognise the value of the work Mr. Joshi does wherever he goes, but I have ventured to urge on him, both in this House and outside it, in season and perhaps out of season, that the activities of labour leaders such

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as himself would be of even more value if they were directed to the formation of that healthy trade union movement which is so important to the relations between capital and labour in this country. It is there, Sir, that the main hope for the permanent industrial peace of this country lies.

I should like to correct Mr. Joshi on one point. He told the House that if Mr. Mody came to Government and asked that the cotton textile industry should be declared a public utility service, the Government would readily consent to it and the transaction would be completed in the course of a few days, if not a few hours. I think that he must have overlooked the definition of a public utility service in section 2(g) of the Act which defines it as:

"any railway service which the Governor General-in-Council may, by notification in the Gazette of India declare a public utility service, any postal or telephone or telegraph service, any industry, business or undertaking which supplies light or water to the public and any system of public conservancy or sanitation."

I fail to see how the cotton textile industry could be brought within the scope of that definition.

Now, Sir, as I have said, I do not propose to enter into any argument or any discussion of the merits of the main Act. We take our stand on the fact that, in spite of what my Honourable friend, the Deputy President, has said, the bulk of opinion is in favour of our continuing the Act as a permanent measure

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): No.

The Honourable Sir Frank Noyce: Well, Sir, that is a matter of opinion. I have evidently read the opinions one way, and my friend has read them in another way. Those opinions have been carefully classified in my Department, and the statement submitted to me shows, to my mind, conclusively that the majority of the opinions we have received are in favour of making the Act permanent. I do not, Sir, for a moment contend that they are in favour of making the Act permanent exactly as it is at present, and that brings me to the point raised by Mr. Mody who wants some kind of review within a period of not more than five years from now. I must confess that I do not see how a provision of that kind should easily be made in the Statute, and in any case there is no amendment to that effect now before us. But I think I can offer Mr. Mody some assurances which will meet his point. As I said a few moments ago, we have collected a number of useful opinions and these contain suggestions for amendment of the Act in various directions. My colleagues and I have not yet had an opportunity of examining the proposed amendments in detail, and so I cannot give a definite promise to the House that this or that particular amendment will be introduced. But I am prepared to undertake that, within the period mentioned by Mr. Mody, we shall bring forward another Bill containing proposals for amendment of the main Act. So far as I can see, this Bill will probably include amendments affecting the main operative provisions of the Act, that is, section 3, which is the section giving power to refer disputes to Courts and Boards, and section 15, which is the section

dealing with public utility services. It should thus enable the House to discuss, and if it sees fit, to revise the more important sections.

Mr. H. P. Mody: If my Honourable friend will allow me to interrupt him, I am afraid I did not make myself very clear. My point is, if the Act is amended as it is expected it will be in the next few months, an opportunity should be given to the Legislature at a later stage to consider whether the amended Act has succeeded in its object. That is what I intended. I know that an amending Bill is under contemplation, but what I want is that when the Act is amended, then, after a period of years, an opportunity should be given to the Legislature to find out whether the Act, as amended, is functioning effectively.

The Honourable Sir Frank Noyce: I think the Honourable Member is putting rather a hypothetical question to me. We do not anticipate that it will be possible to bring the amending Bill forward just yet. That depends on events and on the programme of legislative business before this House. My Honourable friend is really asking me to bind the successors of this Government five years hence, possibly six or seven years hence. I think he will realise on reflection that I am quite unable to do that. In any case, I think the point will be better discussed when we bring forward our amending Bill. Even before we bring forward that amending Bill, the House will have further experience of the working of the Act, and when we introduce the Bill, I shall be very glad to give the House a report on the working of the Act up to date in order to enable it to review the position. If, in the interval, my Honourable friend, Mr. Mody, or my Honourable friend, Mr. Joshi, or my Honourable friend, the Deputy President, or any other Member of this House wishes to offer any further suggestions for the amendment of the Act other than those which are contained in the opinions already before us, I need hardly say that we shall be very happy to take these into our consideration. I trust that with these assurances my Honourable friends, the Deputy President and Mr. Joshi, will withdraw their opposition and that Mr. Mody will be content.

Mr. M. Maswood Ahmad: I want to inform my Honourable friend that Muslim Members also do not like this Bill as it is and that they are very much dissatisfied with it and they want important changes in it. Further, they want that all the trade unions should be recognised by the Government without any discrimination.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. That is absolutely irrelevant.

The Honourable Sir Frank Noyce: This is not a Trade Unions Bill, but a Trade Disputes Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill to extend the operation of the Trade Disputes Act, 1929, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Frank Noyce: Sir, I move:

"That the Bill be passed."

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill be passed."

The motion was adopted.

THE SUGAR (EXCISE DUTY) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to move:

"That the Bill to provide for the imposition and collection of an excise duty on sugar, as reported by the Select Committee, be taken into consideration."

I do not wish to make a long speech on this occasion, but there are just two points with which I wish to deal. In the first place, I regret to say that there is a difference of opinion between the Government and what I may describe as a bare majority of the Committee as regards the rate of duty to be imposed. On that point, as I made it clear to my Honourable friends in the Select Committee, Government feel that they must adhere to their original plan and we therefore propose to move an amendment to the Bill as reported by the Select Committee. We feel, as we have stated in the Report that we have signed, that the case on which we originally took our stand and that the figures on which we based that case were not effectively challenged at any point in the Select Committee's discussions. We gave the fullest figures that were required by the Members of the Select Committee and on all points—that at least is our view of the matter—on all points on which a particular argument was brought forward based on definite and concrete figures we were able to maintain our position. I do not wish now to go over those figures. No doubt, figures will again be given in the course of this debate, and I hope that I shall be able effectively to deal with any arguments of that kind. We take our stand on our original position for two reasons, firstly, because we consider that our proposals are essentially right, and, secondly, because we need the revenue in order to carry out our original plan. And here I must speak with a certain amount of difficulty and reluctance, because I know it has been argued that I have tried unfairly to influence the votes of Members by telling them in plain words that, unless they vote for this Bill, we cannot carry out our proposals to transfer the jute duty to Bengal. I sympathise a good deal with the feelings of Honourable Members who have made that sort of criticism, but, on the other hand, I would ask them to

appreciate my position. I must make my position clear to the House. I cannot allow any Honourable Member to say afterwards: "Oh, if you had only told us what this meant, we should have voted differently." I must make that position clear. It is an essential part of our position, and the position is that we planned our revenue measures with reference to our proposal for the transfer of revenue to Bengal. And that applies not merely to this special measure and the excise duty on matches—although I made it clear in my Budget speech that if it had not been for our desire to transfer revenue to Bengal, we should not have put forward that particular proposal this year—it applies not only to that, but to all our proposals, because, obviously, if I lose Rs. 50 lakhs on sugar, that reacts on the margin which I require from matches. That is an elementary point which must be clear. I must make it clear that we do not see our way to carrying out our original plan or to giving it any permanent basis of security unless we can assure to ourselves a certain revenue from sugar. Several Honourable Members argued in the discussions in the Select Committee that I had underestimated the revenue that we were likely to get from sugar, both under the excise head and under the import duty head. I can only reply to that that our estimates are based on the most careful review of the position and that I could not put before the House higher estimates and feel that they were reliable. Honourable Members know perfectly well that, of course, under every head, estimation in present circumstances is extremely difficult. I made that point perfectly clear in my Budget speech, but I am not denying for a moment that there is a chance that under the head of sugar we may possibly get more, but equally there is a chance that under other heads we may get less, and, taking our revenue estimates as a whole, I am afraid I cannot hold out any idea that I have any hidden margin up my sleeve. But that is not the real point. The real point is that whatever the amount of revenue that I am going to get out of sugar, I must get more if the duty is at Rs. 1-5-0 a cwt. than if it is at one rupee a cwt. and we say that we want that additional margin and that argument must hold good whether my critics are right as to our sugar estimates or whether I am right. That, Sir, again, is an elementary point. That is all I wish to say on that aspect of the matter at this stage. The only other topic on which I wish to touch is a recommendation in the Select Committee's Report at the end of the Report where the Committee says

"We desire to record our conviction that Government should, in return for the tax which they are now levying upon the sugar industry, afford all possible help to the industry by the organisation of measures of research, both agricultural (evolution of better types of cane, etc.) and industrial (disposal of bye-products, etc.)

We as Government Members have signed that recommendation, and we fully recognise that it is a right and proper recommendation. I do not know whether the House or the public generally realise that a great deal of work already has been done and is being done on the research side. If I might go very briefly over what is being done and what has been done, it might perhaps be of interest. There is, of course, the well known Imperial Sugar-cane breeding station at Coimbatore, and I think everybody knows what good work it has done. Then, there was organised by the Imperial Council of Agricultural Research, as one of the first measures that they undertook, a chain of sugar-cane research station extending right through the sugar belt in the sub-tropical part of India, extending from

[Sir George Schuster.]

the North-West Frontier Province to Assam. All those stations are doing very good work. Then, as regards the tropical area, a specially large research station has been established by the Imperial Council of Agricultural Research at a central station on the Deccan Canals. Then, a grant has been given to the Madras Government to establish a research station and another grant has been given to Mysore for a breeding station especially for breeding thick varieties of cane which are suitable for tropical areas. Then a start has been made in setting up a whole range of stations and sub-stations for testing out the improved breeds of cane produced at Coimbatore. An important sub-station has been set up at Karnal and two seedling testing stations have been set up at Shahjehanpur in the United Provinces and at Dacca in Bengal. Then, as regards diseases, a co-ordinated scheme has been formulated for research into diseases after very careful consideration by the Imperial Council of Agricultural Research, and they hope to put that into operation very soon. That covers work on the agricultural side. As regards the industrial side, the first step was the appointment of a sugar technologist. He was a specially selected man who was given special training afterwards and he gives a good deal of advice about new factories. He is also the honorary head of the Sugar School in the Harcourt Butler Technological Institute at Cawnpore, and a grant of 2½ lakhs has been made by the Imperial Council of Agricultural Research to the Harcourt Butler Institute where they go in for training young men in various branches of special expert work which is required for the sugar industry. Then a model demonstration factory has been set up at the institute. Then, again, the Imperial Council of Agricultural Research have also worked out a complete scheme for dealing with molasses, which is now under the consideration of the Government of India. Then, a good deal has been done in the way of giving help to the smaller side of the sugar industry. Arrangements have been made for designing an improved juice boiler, for experimenting in small crushing mills, and for experiments in an improved open pan system. Grants of about 2½ lakhs have been made for that purpose. Then, a research station is being established for improving the indigenous system of sugar manufacture and *gur* boiling under the sugar technologist. Then, on the commercial side, an Indian sugar trade service is being established and a sugar bureau has been set up at Cawnpore. On the economic side an inquiry has been made by the Imperial Council of Agricultural Research on the cost of production for sugar-cane and cotton comparing the two, and the Imperial Council of Agricultural Research is also just now conducting a census of the *khandsari* factories. It has been one of our difficulties in discussing this measure that we have really no reliable statistics about the *khandsari* factories. That is what has already been done, but there is another large scheme under contemplation on the industrial side. The Imperial Council of Agricultural Research have been examining for some time a scheme for setting up an Imperial Sugar Research Institute, and I can say that, as a matter of principle, Government have decided to proceed with that, and are now in active consultation with the United Provinces Government about taking over the Harcourt Butler Institute at Cawnpore in order to bring that scheme to fruition. I, therefore, want to make it quite clear that Government do recognise their responsibility both as regards the agricultural and the industrial side connected with sugar business and we hope that the larger scheme which I have just mentioned will be given effect to in a comparatively short

period. That, Sir, is all that I need say on this subject at the present stage. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill to provide for the imposition and collection of an excise duty on sugar, as reported by the Select Committee, be taken into consideration."

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I do not oppose the consideration of this Bill. My object in taking part at this stage is to say a few words regarding the changes that have been made in the Select Committee. I submit that the Bill has been changed in the Select Committee considerably and its scope enlarged. When the Bill was originally introduced, the Government had absolutely no idea of levying excise duty on *khandsari* sugar.

An Honourable Member: No.

The Honourable Sir George Schuster: My Honourable friend is, I think, incorrect in that. The Bill remains exactly as it was so far as its scope goes. It levies duty on sugar produced in factories and the definition of factories remains entirely unchanged.

Mr. T. N. Ramakrishna Reddi: Sir, I accept the correction made by the Honourable the Finance Member so far as the definition of Factory is concerned; but I maintain that when he made his Budget speech, he referred only to the white sugar produced in factories and did not make any reference to *khandsari* sugar at all. Further, I would point out that it is clear from the minutes appended to the Bill itself that the Honourable the Finance Member at the beginning had no idea of taxing this *khandsari* sugar. The idea of the Honourable Member was to levy an excise duty of Rs. 1-5-0 per hundredweight of the white sugar produced in this country in the factories, and, Sir, he calculated the revenue, as would appear from these minutes, on an estimated production of sugar of 646,000 tons in the factories. Well, this calculation is based on the sugar that is produced in factories established on the Western system—factories which produce that kind of white sugar which was till recently being imported from Java. Then, again, from these very minutes, I shall show that the Honourable the Finance Member had absolutely no idea of taxing the *khandsari* sugar. I shall read only a few lines:

"Owing to the growth of the new factories and large quantities of sugar bound to be manufactured in the current year we estimated that at least 750,000 tons of sugar will be produced as against the Government estimate of 646,000 tons. Moreover, as the Government estimate did not include the *khandsari* sugar which amounts to nearly 250,000 tons and of which at least 60 per cent is produced by the factories, the total amount of revenue at Rs. 1-5-0 per cwt. would come to Rs. 2,36,25,000.

Thus, it is clear that originally it was not the idea of the Government to tax sugar produced according to the processes which prevail in this country. Again, the Honourable the Finance Member, in moving for reference of the Bill to the Select Committee, stated that there was some

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point in the speeches made by the factory owners that if *khandsari* sugar was excluded from this excise duty, it would compete with the factory-produced sugar and then he said that it was the business of the Select Committee to look into this matter. Sir, from all these considerations put together, it is clear that the Government originally had not the idea of taxing the *khandsari* sugar, but only factory-made sugar. Sir, when this protection is granted, it is granted with the idea that India might become self-sufficient in her requirements of sugar and the idea was to eliminate imports of Java sugar. Sir, Java is not importing the sugar of the class produced in this country according to country processes, *viz.*, *khandsari* sugar. She has been importing white sugar and the factories, set up under this protection, are factories that produce white sugar. So, for all these reasons, I submit that originally it was not the intention of the Government to tax the *khandsari* sugar.

Mr. S. G. Jog (Berar Representative): How did it then come up in the Select Committee?

Mr. T. N. Ramakrishna Reddi: Under the definition of factories—because that definition is so framed as to include *khandsaries* also.—it was only by a side way that it came up for consideration in the Select Committee. The Select Committee, I submit, has not given full thought to all the aspects of the question of *khandsari*. For the matter of that, the Honourable the Finance Member just now stated that no reliable statistics were available regarding *khandsari* sugar, and, on that very ground alone, the *palmyra* sugar has been excluded

The Honourable Sir George Schuster: My Honourable friend has quite misrepresented what I said. I said there were no reliable statistics as to the number, for instance, of the *khandsari* factories which would be caught by this definition. I was not referring to the cost of production of *khandsari* sugar. That was the point that came up in connection with *palmyra* sugar.

Mr. T. N. Ramakrishna Reddi: I maintain, Sir, all these considerations regarding *khandsari* sugar came in only at the Select Committee stage and were not under consideration before. I am just now pointing out from the minutes of dissent appended by Mr. S. C. Mitra, Lala Hari Raj Swarup, Mr. Muhammad Azhar Ali, Haji Abdoola Haroon, Mr. Bhuput Sing and Mr. A. Ramaswami Mudaliar, to prove my contention. I read just now from paragraph 2 wherein they clearly state that *khandsari* sugar was not taken into consideration in the beginning. The Finance Member, in framing his Budget, anticipated the revenues that would come out of this excise duty only from the production of white sugar. Well, Sir, *khandsaris* have now been included, and my submission is that sufficient consideration has not been given to this aspect of the question. Sir, the Select Committee has no doubt reduced the excise duty from Rs. 1-5-0 to ten annas in the case of the *khandsari* sugar, and there they take into consideration only one aspect, that is to say, the price that *khandsari* sugar fetches in relation to the price which the white sugar fetches. But there are various other considerations which the Select Committee ought to have taken into consideration. In the first place, I submit that the *khandsari* sugar will

have a very great handicap and I will not be surprised if they will be exterminated in case this excise duty is continued to be imposed on *khandsari* sugar. Sir, one reason is that, in the matter of extraction, there is a large quantity of wastage going on in this process. Sir, I refer to that book by Mr. M. P. Gandhi on the Indian Sugar Industry which my learned friend, Mr. Hari Raj Swarup, has characterised as a most admirably-written book. The learned author has quoted an extract from the Indian Sugar Excise Committee's Report—page 25, at the bottom—it is a simple quotation from that Committee's report:

"A thoroughly up-to-date factory can extract at least 96 per cent of the sugar actually present in the cane, and by an efficient control in the boiling house, 90 per cent of the sucrose in the juice can be recovered as manufactured sugar. In other words, about 86.4 per cent of the original sucrose in cane can be obtained as sugar."

Then, with regard to the country-made sugar, there is a difference in the extraction. On page 28 we find:

".....and the crude methods of boiling the juice in which inversion takes place from sucrose to glucose. As a result, the recovery of the sucrose content of the cane works out to about 52 per cent. as against 86 per cent. obtained in a modern sugar factory."

That is one initial handicap. Then, the second handicap of this *khandsari* sugar is this. With regard to the recoveries, the modern factories at present are getting 8.65 per cent in some cases and over nine per cent in some other cases. Thus, on the average, the modern factories that exist in this country are getting a recovery of nine per cent from the cane, whereas from the *khandsari* process they are getting only five per cent on the average, in some cases even lesser percentage than that. In fact, up till very recently, they used to get four per cent only, but they are now getting nearly five per cent. If any authority is necessary for that, I will refer my Honourable friend to page 36 of the very same book where it is stated that the *khandsaris* give only five per cent. With regard to the factories, I will refer him to page 83, where it is clearly stated that the recoveries are about nine per cent. Here also there is the advantage gained by factories over this *khandsari* sugar. Then, Sir, the sugar manufactured in *khandsaris* is of inferior variety. It is only equal to the second or third class sugar that is produced in the factories. It fetches nearly one rupee to one rupee and eight annas less than the sugar that is produced in the factories. That is another handicap. Then, Sir, the other handicap is that the factories work for nearly 138 to 150 days in the year, whereas the *khandsaris* work for 70 to 80 days in the year. These are the various handicaps under which the *khandsari* sugar is labouring. Then, Sir, this protection duty was levied in the year 1931 or 1932 for the purpose of protecting the sugar industry in this country. Ever since that time, the factories have risen by leaps and bounds, and the quantity of sugar produced in these factories has been enormous. In fact, the development has been so marked that within two years India is now able to supply her own sugar. Well, Sir, I will now give to my Honourable friend some statistics. On page 57 of the same book, we find that in 1930-31 the sugar made in these factories was only about 1,19,000 tons; in 1931-32, it was 158,000 tons; in 1932-33, it was 290,000 tons; in 1933-34, it was 700,000 tons, and in 1934-35, it is estimated to produce 875,000 tons, whereas the sugar produced under the *khandsari* process

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is still substantially the same as it was produced in the year 1923-24. There is absolutely no advantage that is obtained by the *khandsaris* or account of the protective duty. All the advantage that has been derived by this protection has gone only to the factories and the *khandsaris* have not been benefited at all by this protection duty.

Mr. President (The Honourable Sir Shanmukham Chetty): How much more time will the Honourable Member take?

Mr. T. N. Ramakrishna Reddi: I will take, Sir, about 10 to 15 minutes more.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. T. N. Ramakrishna Reddi: Sir, I was discussing before we rose for lunch about the various disabilities under which the *khandsari* sugar was working. Now, Sir, I will say a few words with regard to the necessity of keeping alive the *khandsari* process of producing sugar instead of wiping it out of existence.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member has got an amendment to this effect, and the detailed exposition on this question would be more suitable when that amendment is taken up.

Mr. T. N. Ramakrishna Reddi: I shall make only a brief reference. Sir, the factories consume about ten per cent of the sugar-cane produced in the country and nearly 70 per cent of the sugar-cane is at present being converted into what is called *gur* in this country. Now, on account of the fall in prices of *gur*, it has become uneconomical to convert cane into *gur*, and so the only alternative for the sugar-cane growers is either to send the sugar-cane to the factories where they exist or to eat them away where there are no factories. If, instead of converting this 70 per cent of sugar-cane produced in the country into *gur*, they can convert it into sugar, it would develop a profitable cottage industry for the agriculturists. We want to preserve this *khandsari* sugar because it is a cottage industry. There are very few factories in the southern country, and it is not possible for the cane growers to take their sugar-cane grown in the interior parts to those factories. On the other hand, it is easy to set up these *khandsari* factories in the interior parts of the country and hence the agriculturists can easily convert the cane into *khandsari* sugar. It is said by some Honourable Members that this process of conversion of sugar-cane into *khandsari* sugar is a most uneconomical process and they ask why should you persist in this form of manufacture. My answer to this is that you may as well say, why should the handloom industry exist in this country when the factories are producing cloth. *Khandsari*

stands in relation to sugar as the handloom industry stands in relation to cloth, and hence it ought to exist. Already on account of the competition and fall in prices of sugar, the *khandsari* has been very much affected, and, I am sure, my Honourable friend from Rohilkund and Kumaon Divisions, where many *khandsaris* exist, will speak to that fact. I have also got the authority of the Minister of the United Provinces who says that under the impact of factories, the *khandsari* is going to the wall. I will simply quote one sentence before I conclude. The United Provinces Minister, the Honourable Mr. J. P. Srivastava, says:

"We have actually found that white sugar is taking the place of *khandsari* sugar and even of *gur*. In Rohilkund, a lot of *khandsaris* have gone out and people are using white sugar. We also know that, at the present price of sugar, it does not pay the *khandsaris* to work, and as long as this low level is maintained, there will be greater and greater opening for white sugar."

It is not that the *khandsari* encroaches upon the factory sugar, it is the factory sugar that encroaches upon *khandsari* sugar with cut throat competition and wants to drive it out of existence. For all these reasons, it is quite essential that the *khandsari* sugar should escape this duty, so that it may serve a useful purpose in the agricultural economy of India.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, my Honourable friend, Mr. Reddi, pointed out how the Bill has emerged from the Select Committee slightly worse than how it went into it. I myself am not in a position to subscribe to that opinion. I believe I am echoing the opinion of the *khandsaris* of my constituency when I say that the Bill has emerged from the Select Committee slightly better, better to the extent of having received a reduction from Rs. 1-5-0 to ten annas. This I must acknowledge, but our whole contention is that even this ten annas is not justified, and I am grateful to my Honourable friend, Mr. Reddi, for having given notice of an amendment, and on that amendment I shall speak when the occasion comes, to leave out the *khandsari* altogether from taxing.

Sir, the whole point is this. This is a very ancient industry in the United Provinces. Just as in the case of cotton mills, so in the case of the sugar factory. The cotton mills really affected to a large extent the handloom industry, and the sugar factories threaten to wipe out of existence the *khandsari* industry, they have actually wiped it out in the eastern districts of the United Provinces and the *khandsari*, who was once flourishing, is now threatened with extinction in the Rohilkund Division which is the home of *khandsari* by their cut-throat competition. Such being the case, I have a right to ask the Honourable the Finance Member to show some more consideration than the Committee has shown to the *khandsari*. The *khandsari* people work under a dual handicap. In the first place, they do not work under the same conditions as the factory people do, who have wealth behind them and modern machinery, and, in the second place, the *rab*, as it is called—after the juice is boiled and dried—which they bring from the village to the town for centrifugal purification, has to bear heavy charges. They have to pay for the cart, and, in Shahjahanpur, I believe, they have to pay one anna as municipal tax. Of course, the factory people have no such difficulties. They also get more out of the sugar-cane than the *khandsari* people do. They have more money to compete with them in the purchase of sugar-cane. Such being the case,

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this ancient village industry must be preserved, and it is for the preservation of this cottage industry that I appeal to the Honourable the Finance Member that something must be done to remove their apprehensions. In the first place, they ask whether "power" means also hand power, if I may use that expression. And they again ask whether "workers" means even the clerks who are working there or only the actual number of workers in the factory, *i.e.*, the labourers. They have these difficulties. They have come and put them to me. I personally think that power can only mean electric power or water or steam power, but they think that it might also mean driving a machine with the help of coolies, *i.e.*, physical power. I hope this doubt will be cleared by the Honourable the Finance Member.

Mr. B. Das (Orissa Division: Non-Muhammādan): That is never contemplated.

Mr. C. S. Ranga Iyer: I know that is never contemplated, I am only mentioning the fact. *Khandsari* people from my constituency have come and told me: "What is going to happen to us? This new Bill is introduced, and are they going to make it impossible for us to continue the work of producing sugar which we have been producing in such difficult circumstances and against such formidable competition?" There is no getting away from the fact that the factory has killed the *khandsari* in the eastern districts of the United Provinces and threatens to kill the *khandsari* in the Rohilkund Division. In this connection, I may read a passage, which probably some Members of the House may not have read, from the Tariff Board Report about the *khandsari* industry in the Rohilkund Division. The Sugar Committee placed the figure of production of sugar at about 250,000 tons, I believe, for the whole of the United Provinces:

"This figure was later considered an overestimate but in view of the fact that this process is almost universally followed in Rohilkund where the area under cane is over 300,000 acres, an output of 200,000 tons does not seem excessive. *Khandsari* factories are easily and quickly established and for many years to come must form an important outlet for cane in those parts of the country which are not as yet sufficiently developed to admit of the construction of central factories. It appears, therefore, that an effort should be made to support the *khandsari* system both as holding an important position in the agricultural system of the United Provinces and as constituting an outlet for surplus cane which may be produced in the next few years."

This is the opinion of the Tariff Board, and it is just as well to place that opinion on record. Not that I consider that everything that is said in the Tariff Board Report is binding on us or should be supported by us. Sir, I do not think we need make a long speech at this stage, and it will be more businesslike to get through this Bill in a businesslike manner. I once again suggest to the Honourable the Finance Member to clear some of their apprehensions, because apprehensions do exist, and I believe he is in touch with the United Provinces Government. The United Provinces Government have represented the case of the *khandsari* industry to the Government of India. I believe that is correct, and, if that is so, I hope the Government of India will give due consideration to the proposals which have been brought to their notice by the United Provinces Government. And I hope, at future stages, steps would be taken to reduce, and, if possible, to eliminate, this duty altogether; for the *khandsari* is a cottage industry and must be given the same concession as we are giving to the handloom industry in regard to the production of cloth. For,

just as India lives in cottages in regard to cloth making, so does India live in cottages with regard to sugar, specially in the Rohilkund Division which has been supplying sugar for ages to many parts of India, both south as well as west and east. For these reasons, I hope that if it is not possible to reduce the duty straightaway, steps will be taken to reduce the duty, for the attempt should be to leave the *khandsari*, which has already a rival in the field, absolutely out of this taxation proposal. I personally wish that *khandsari* had been altogether left out.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur cum Orissa Muhammadan): In this connection, I want to say that there is no doubt that the Bill, as it has come out of the Select Committee, is much worse than the one which was sent, from the point of view of the agriculturists. Though the Government Member has said that at that time the intention was for Rs. 1-5-0 for excise duty for *khandsari* also, I do not think that was the idea of Government at that time. And even if that was the idea, the wording of the Bill did not show that. At that time I mentioned that the definition should be changed to safeguard the interests of agriculturists, that sugar, which may be prepared by means of the open pan system, should not come under this Bill. I find that my fear at that time came to be true. If you will see, the definition of sugar at that time was,—any form of sugar containing more than 90 per cent of sucrose. There was a chance for those, who were preparing *khandsari* sugar, to show Government at that time that the sugar prepared by the *khandsari* trade by means of refineries did not come under that definition. But now there is a definition of *khandsari* sugar as meaning sugar in the manufacture of which neither a vacuum pan nor an evaporator is employed. This makes the definition very wide.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): This word "sugar" must again be understood in the light of the definition of the word "sugar" given above.

Mr. M. Maswood Ahmad: I very much doubt that when I find different rates for sugar. There is one rate for sugar, that is, all other sugar except *palmyra* sugar, at the rate of one rupee per cwt. And there is *khandsari* sugar at the rate of ten annas per cwt. The result will be that all the sugar, which may be produced either by means of *khandsari* or by other systems, will come under this Act, whether that sugar contains more than 90 per cent of sucrose or not.

The Honourable Sir George Schuster: No, Sir; my Honourable friend is quite wrong about that. It is quite clear that we have not altered the definition at all, so far as the sucrose content is concerned.

Mr. M. Maswood Ahmad: If Government say that it will not come under that, then on that point I have got nothing much to say.

Mr. President (The Honourable Sir Shanmukham Chetty): Clause 8 (1) says that a duty shall be levied on all sugar produced and the definition of sugar will apply to it.

Mr. M. Maswood Ahmad: Then, about factories, I want to mention two or three things. Here they have said that any place where more than 20 persons are employed will be treated as a factory. At present in

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khandsari sugar factories what happens is that there are two kinds of sugar factories. One, those which are managed by capitalists. Where they have purchased *rab* and *gur*, they prepare *khandsari* sugar from that *rab* or *gur*. And there is another form which is prevalent in Bihar. That is, agriculturists themselves purchase refineries, and they cut their own sugar-cane and take the juice and afterwards make *rab* and then prepare *khandsari* sugar. So I think that these labourers, who will be engaged in cutting sugar-cane and taking the juice from the sugar-cane and then in preparing *rab*, will be in a more advantageous position than those who are capitalists and those who have *khandsari* factories only. Otherwise, these agriculturists, who have only one building for all these processes, will have to have another building for these processes, and thus they will be put to trouble. I want an assurance from the Government that they will make it clear that the number of labourers employed for cutting cane or for making *gur* will not be counted in the number "twenty" as mentioned in the Factory Act. This is very important; otherwise, the agriculturists will be in a more difficult position than those capitalists who have got these *khandsari* factories. This *gur* making process, should not be counted at all; because, before protection was given to sugar, *gur* was prepared in this country and they did not want protection. This protection was given to the factory owners. Therefore, on this account, the agriculturist should not be penalised. Whether the factory owners make profits or not is another point. But these agriculturists should not be penalised for them. I hope my Honourable friend, Sir George Schuster, will enlighten us on the point as to whether the number 20 includes also these labourers.

Lala Hari Raj Swarup (United Provinces: Landholders): Sir, I intervene in this debate at this stage to remove one or two misunderstandings that have recently arisen on account of the speeches made by my predecessors. We have heard so much in favour of the *khandsari*. So far as the agriculturist or the cottage industry is concerned, I think none of us disagrees in giving proper protection to that. But in this *khandsari* industry there are clearly two divisions,—one, which employs less than 20 persons, and the other, which employs more than 20 persons and which comes under the definition of a factory. The cottage industrialist or the grower hardly employs more than 20 persons; and so, under this Act, he will save the full duty. What this clause aims at is this: that those capitalists who set up factories under the guise of an open pan system should not escape duty. If any Honourable Member cares to go to Rohilkund or Bareilly, he will see that there is nothing of a cottage industry in the *khandsari* as carried on in Bareilly. They employ hundreds of persons and use machinery for crushing cane and boiling the juice, etc. The only difference is that they do not use the vacuum pan or a quadruple effect evaporator; and when we in the Select Committee decided to levy lower rates of duty, we clearly wanted to prevent abuse of this system by capitalists who may, under the guise of *khandsaris*, set up big open pan factories and thus compete very effectively with the big factories and cause a serious disadvantage to them.

Sir, my friend, Mr. Reddi, referred to various disadvantages under which the *khandsari* factory works. He said the extraction of a *khandsari* factory is five per cent, while that of a big factory is nine per cent: If the

khandsari factory is not a cottage industry or grower, I do not know why he wants to protect the *khandsari* who is a capitalist and inefficient and pleaded for the cause of inefficiency. Again, he says that the sugar of *khandsari* sells at one rupee to Rs. 1-8-0 per maund less than the factory sugar. I think he is seriously mistaken in this matter. The difference in the prices of the two is hardly six to eight annas a maund.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhamadan Rural): It might be on paper, not in the market.

Lala Hari Raj Swarup: It is really so. In the market, if you go and inquire, you will find it. Then, Sir, Mr. Reddi says that the working season of a big factory is 138 days, while that of a small factory is 78 days. That does not matter so long as the cost of production of *khandsari* is lower than that of a big factory; and in support of that, I will refer to page 12 of a note on the sugar manufacturing industry in the United Provinces by Mr. R. T. Srivastava, wherein he says that the cost in a *khandsari* factory to produce sugar is Rs. 8 per 100 maunds of cane; and, out of 100 maunds, they get at least six maunds of sugar. Therefore, with these considerations, we did not want to wipe the *khandsari* out of existence. What we want is this: that there should be equitable conditions of competition between the two. You should not place one at an advantage over the other.

My friend, the Finance Member, made rather an unfair charge against us, saying that the Government figures were not challenged in the Select Committee. If I remember aright, their figures of sugar prices were effectively challenged by my friend, Haji Abdoola Haroon, and we did not get any satisfactory reply to his challenge

The Honourable Sir George Schuster: What I said was that our figures were not effectively challenged: when I went over the actual quotations that we had got, my Honourable friend, Haji Abdoola Haroon, admitted that they were all correct.

Lala Hari Raj Swarup: He might have admitted them for a particular day: but so far as the average of the year was concerned, we did not agree. I myself questioned the figures of the sugar technologist when he based his calculation on extraction and said that nine per cent was the average recovery throughout India. I quoted from his own publications that the recovery for the whole of India last year was 8.66 and we got an admission from the sugar technologist that the recovery this year was expected to be worse than last year. But, even there, our challenge was not accepted. The difficulty that we faced in the Select Committee was that the Government did not accept our figures and we could not accept their figures, and, therefore, the result was that we had to make our recommendations by a large majority.

When we recommended a reduction of duty from Rs. 1-5-0 to one rupee, we wanted to make it possible for the industry to bear the burden, but at the same time give 1,47 lakhs to the Government, so that their financial plan may remain intact. To that argument the Finance Member says that he wants as much money as possible. It is true that the Finance Member wants as much money as possible, but, at the same time, we

[Lala Hari Raj Swarup.]

have to see whether the burden that is proposed for a certain industry can be borne by that industry or not, and we came to the conclusion after careful consideration that Rs. 1-5-0 per cwt. was too heavy a burden for the sugar industry at this stage.

We further recommended, Sir, in the Select Committee that the surcharge should be merged in the import duty, and the excise and the surcharge should be treated as inter-related to each other, and that the surcharge should not be withdrawn without, at the same time, withdrawing the excise duty. I am glad, the Government Members have agreed to this proposal. We should have preferred to put it in the Bill, and I am glad there is an amendment to that effect, and I hope the Government will accept it. With these words, Sir, I request the House to adopt the Report of the Select Committee.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): Sir, at this stage I do not think it would be advisable for me to oppose the Bill, as I was a Member of the Select Committee myself and we have decided to levy a duty of one rupee per cwt. But during the last few weeks there has been a great agitation in this House, as well as outside, that sugar manufacturers are making huge profits, that the Finance Member is giving protection to the sugar industry as suggested by the Tariff Board. Now, the Finance Member says that the Government have prepared the plan according to the Tariff Act, and that they were imposing Rs. 1-5-0 per cwt., but I may tell the House that I brought to the notice of the Select Committee the fact that the measure of protection recommended by the Tariff Board was not being given to us. We are not getting the protection as recommended by the Tariff Board, but the Finance Member's reply is that, in that case, we will have to go again before another Tariff Board. That reply is all right, but the present position is that we will have to pay Rs. 1-5-0 duty.

Now, I shall give a few figures,—they are not my figures, but these figures were supplied by the Government Technologist. According to these figures, if the price of cane is five annas, five and a half annas and six annas, what is the price that could reasonably be charged by the sugar manufacturer? Now, the Tariff Board says that in the initial stages of protection, the price of sugar should be Rs. 8-0-0 per maund. The Sugar Technologist calculated the figures, and he increased it to Rs. 9-5-0 per maund as fair selling price ex-factory. Then he says that in the final stages of protection, that is to say, at the end of the 15th year, Rs. 6-0-0 per maund would be a fair selling price. Mr. Srivastava, the Sugar Technologist, gives us certain figures and says that if the price of cane is five annas per maund, then the selling price of sugar should be Rs. 6-15-0. According to the Tariff Board Report, the cost of production is Rs. 4-8-3 in the initial stage and Rs. 4-2-3 per maund in the final stage, but Mr. Srivastava calculates the cost of production at Rs. 3-8-4, because, he says, in the course of his observations, that the sugar factories can crush more cane, and the cost of production would also go down. He is perfectly correct there.

Now, what are the new factors that have come into existence since the Tariff Board Report was published? When their Report was under preparation, the price of sugar *c.i.f.* Calcutta was Rs. 4-2-0 per maund, and today the price is Rs. 3-1-0 per maund. In January last, the price was Rs. 2-15-0 per maund *c.i.f.* Calcutta. Therefore, the House can easily see that, when the Tariff Board Report was published, the price

of sugar was Rs. 4-2-0 c.i.f. Calcutta, and nobody in the world imagined then that the price of sugar would go down to Rs. 3-0-0 c.i.f. Calcutta, and, therefore, they have suggested that should, at any time, the c.i.f. price go down, then fresh protection to the extent of eight annas per cwt. should be given to the industry, whereas the fresh protection allowed is only six annas per maund. Now, according to the calculation of the Tariff Board, we are not getting the price of the molasses at all, and if a duty of Rs. 1-5-0 is imposed, then the burden on the industry comes to is Rs. 2-6-3 per maund. Rs. 2-6-3 per maund means about Rs. 3-4-0 per cwt. The surcharge on import duty is Rs. 1-13-0, and it means Rs. 1-7-0 per cwt. and we get Rs. 1-7-0 less protection than what the Tariff Board has suggested.

The Honourable Sir George Schuster: My Honourable friend is not correct in that statement. The maximum protection which the Tariff Board recommended is Rs. 7-12-0, and that is what we are proposing to leave in this Bill. They never said, if sugar goes down still lower, we should add another eight annas.

Seth Haji Abdoola Haroon: I have not got the Protection Bill before me, but if you read the Bill, you will see that the Governor General-in-Council is allowed to put as much duty as is necessary when the sugar market goes down. Of course, the Tariff Board suggested eight annas, but the Bill gives power to the Governor General-in-Council that he can put on a further duty when the sugar market goes down. The Government are unable to accept their figures, and we are not also accepting the Government's figures. They want an excise duty, they are plaintiffs and they are judges themselves, and they decide whatever they like. We have to submit to that. I find there are several interests represented in this House. Some want to help the agriculturists, some want to help the consumers and some the cottage industries, and so on. In my opinion, most of the effect of this will fall on the agriculturists and cane growers. Today you will have read in the papers and we also heard about it in this House, that the cane growers are not getting proper prices for their cane, and if this Bill is passed, what will be the result? According to the figures supplied by the Government—I do not want to give my own figures—but, assuming the figures given by the Government to be correct, with five annas a maund of cane the selling price of sugar is Rs. 6-15-0, and, with one rupee added as excise duty, it means Rs. 7-15-0, whereas the price in the market on the 1st February and the whole of February this year was not more than Rs. 7-12-0. It means we have to lose about three annas per maund of sugar, and, if that be so, what will the manufacturers do?

The Honourable Sir George Schuster: May I point out two things to my Honourable friend? First of all, the figure that he has given of Rs. 7-12-0 is a figure that we effectively challenged in the Select Committee, and, secondly, the figures which he is quoting as Government figures are not Government figures at all. They are figures given in answer to a request made by the Select Committee that we should re-calculate on today's basis the Tariff Board's calculation. We ourselves made it quite clear in the Select Committee that we thought the actual cost of manufacture was definitely less than that. The figure that we had given re-calculating the Tariff Board's basis gives the cost of manufacture, apart from the price of cane, at Rs. 2-11-0 per cwt., and we took our stand on the fact that the actual cost is really not more than about two rupees.

Seth Haji Abdoola Haroon: You may calculate it at Rs. 2, or Rs. 1-8-0 or twelve annas per maund, but the figures given by Mr. Srivastava—he has quoted his own figure and not the figure of the Tariff Board. I have already said that he has lessened the cost of production by twelve annas. My argument is, according to his estimate of the cost of production, the fair selling price is Rs. 6-15-0, and, with one rupee more for excise duty, it means Rs. 7-15-0.

The Honourable Sir George Schuster: I must correct my Honourable friend again. That is not Mr. Srivastava's view of what a fair selling price is. That is Mr. Srivastava's figure in answer to your request to recalculate the Tariff Board's basis on today's prices, and I must point out to the House that the price of Rs. 6-15-0 that my Honourable friend has arrived at includes ten per cent profit to the manufacturer.

Seth Haji Abdoola Haroon: I agree. Your figures include ten per cent profit. The selling price of Rs. 7-15-0 is our figure, whereas the Finance Member says it is Rs. 8-1-6.

The Honourable Sir George Schuster: The figure that we gave in the Select Committee on the basis of average of last year was Rs. 8-2-6. The figure that we gave as the present price, allowing 50 per cent first and 50 per cent second, is Rs. 8-8-6, for there has been a rise of six annas since the excise duty was introduced.

Seth Haji Abdoola Haroon: You have said in your speech also that today's fair selling price is Rs. 8-1-6, but, of course, in the
3 P.M. Select Committee you may have said, or Mr. Srivastava said that the fair selling price is Rs. 8-8-0. I am again challenging this figure. Even today Government can ask some reliable merchants or dealers in sugar and find out that it is not more than Rs. 8-1-0 or Rs. 8-2-0 per maund. However, after allowing for ten per cent profit, the figure is Rs. 6-15-0, and, with one rupee more for excise duty, it is Rs. 7-15-0, and the selling price is Rs. 7-12-0. I want to state that the burden will fall first and foremost on the agriculturist. In this House today there are several Members who want to help the agriculturists. I want to draw the attention of the House to the consequences of this duty. According to these figures, we cannot buy cane more than five annas on gate, and if you buy cane from a distant place, we cannot buy more than four annas and six pies. Beside that we will not lose our money for helping the agriculturist. Of course we are bound to pay the duty, and, beside that, there is another thing.

Mr. Srivastava points out here that an ordinary four hundred ton sugar factory can crush 18 lakhs of maunds according to his knowledge and experience. That is quite correct, but on what circumstances? If you go to the sugar market, you will find that in 1932, the price was Rs. 10-8-0 per maund average price, in 1933, the price was 9-4-0 per maund, and in 1934, the price was 7-12-0 per maund. You can see that between 10-4-0 and 7-12-0 there is a difference of 2-8-0 per maund. If the difference is there, then the manufacturer cannot commence their sugar factory in the beginning of November, because they are unable to get a percentage in the beginning of November. The percentage of the sugar in the cane is not more than 6 or 6½ per cent. So when the sugar percentage in the end

of December comes to eight per cent, then they commence to crush the cane and till the 15th April they close their factories. So they cannot crush cane as much as they crushed in 1932 or 1933. So, in my opinion, this duty will fall on the agriculturist first and the manufacturer afterwards. I do not want to take up much of the time of the House, but I want to place on record my view of the sugar position. In the Select Committee's Report, we all agreed that until the excise duty remains, the surcharge must remain, and if they want to reduce it at any time, they must come before the Legislature. I suggest that all these reports cannot be counted after two or three years. People might not remember these things, and I think that some sort of a clause should be inserted in the Bill. There must be a clause in the Bill that until this excise duty remains, the surcharge should not be removed. This is my suggestion. I remind the Honourable the Finance Member that he himself said in his Budget speech that when the sugar excise question will come up, we will consider the Bihar factories affected by the earthquake. I find no provision has been made in the Bill as to what sort of relief Government want to give them. Government must say before the House what sort of relief they want to give. Beside that, I do not want to put in any amendment. I have already tabled an amendment. I suggest that the sugar factories, which have been erected lately, must get some sort of remission from excise duty for two years. These are my suggestions. I do not know how far Government will agree. I again say that on account of the sugar industry which has been started only 1½ years back, on account of the miscalculation of the people, they have put in their capital in crores of rupees. If this measure is introduced immediately after the industry is started, it will be very harmful to the industry, but we will try our best to meet the situation, and there is no other way for us. There are hundreds of things I want to say, but there is no use in taking up the time of the House. I only want to give one information to the House. According to the calculation of the Tariff Board, they have calculated that the depreciation on the machinery is about 7½ per cent. In Java, they are calculating the depreciation at 6½ per cent. Some two days before, I met a missionary manufacturer, and I asked him one simple question. I asked him what percentage of depreciation should be allowed in India. He laughed and said that at present you have no sugar trained mechanics, and that a depreciation of not less than 35 per cent is necessary in India today. I am not an engineer. He said: "Three years after the machinery has been erected, you will have to buy new machinery." With these remarks, I take my seat.

Mr. G. Morgan (Bengal: European): I do not want to take up the time of the House in going over the details of the Bill. There will be plenty of opportunities for discussion on the amendments. There is one thing which Honourable Members have been stressing, and that is the *khandsari*. I do not think my Honourable friends have really understood the position. For instance, my Honourable friend, Mr. Maswood Ahmad, has evidently not read the definition of factory. Had he done so, he would have not put the question to the Finance Member that he did put. Also, in a representation of the Sugar Associations to the Government of India, it is very clearly stated that "it must be pointed out that the *khandsari* manufacturer is not an agriculturist". That is the point I tried to make in my previous speech, and I repeat it: he is not an agriculturist, but an industrialist. Now, the *khandsari* that is meant by this Bill is an industrialist,

Mr. Gays Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Who says so?

Mr. G. Morgan: I say so, and I say it from experience, as a result of study of books and of various conversations and inquiries I have made myself. I do not pretend to be a *khandsari*, that is, I do not make sugar, but the fact remains that the *khandsari* who is aimed at under the Bill is an industrialist. We were told in the Select Committee that there were 600 *khandsari* concerns in the Meerut district, of which three hundred were—I think I am right in saying this—in the Meerut City itself.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Bareilly, you mean?

Mr. G. Morgan: Yes, Bareilly; and, out of these three hundred, at the present moment there were only fifty-five registered, although it is doubtful whether they should not all have been registered under the Factories Act. You cannot deny or shut your eyes to the fact that the man who is working a *khandsari* as an industrialist is getting the full protection granted by the import duty. At present these *khandsari* people and the factory people are on exactly the same terms.

Pandit Satyendra Nath Sen (Presidency Division: Non-Muhammadan Rural): On a simple point of information from my Honourable friend, is it not a fact that *khandsari* sugar, in spite of its excellent quality, is sold at a much cheaper rate on account of its peculiar colour?

Mr. G. Morgan: That may be so. I do not pretend to know the prices of *khandsari* sugar, but only two or three days ago, I was told that in some instance *khandsari* sugar fetches a higher price than factory sugar, that it is sweeter and preferred by many people; whether, on account of its colour it can compete in the general market with white sugar, I do not know, but its overhead costs and its working costs are much lower per maund. Also, to my mind, if *khandsari* was not brought into the field, it would certainly have been a menace.

I am not talking about what is now called the cottage industry. I do not think that is in any way defined. My Honourable friend, Mr. Ranga Iyer, asked me what precisely was a cottage industry—was it a village industry? These people, Sir, are actually industrialists and the Sugar Technologist and the Sugar Committee are all working as hard as they can to perfect the centrifugals and to perfect the boiling systems so as to make the *khandsari* more efficient, and, therefore, the *khandsari* would be in a better position than he is in at present. There is an excellent book written by Mr. Aggarwal in which he says:

"In Shahajanpur and Bareilly it is hoped that within a short period all the existing factories will be replaced by hand-driven or power-worked centrifugals".

Sir, I do not think that the plea of agriculture can come in here. The agriculturist does not come into this Bill at all, it is the industrialist; he has centrifugals and power to work, and he is just as much a sugar manufacturer as long as he produces sugar of 90 per cent sucrose and is competing in the market as well as in the factories, and he gets the protection; under the Bill he would have to pay a very much lower rate of duty on his product than that made in the factory. Therefore, he will be in a better position than he is in today under the Bill,

Sir, I would like again to refer, as I did in my speech when the Bill was introduced, to the seven lakhs of rupees payment to the Provinces. I would merely emphasise that what is wanted is money to be spent on enabling research work. The Honourable the Finance Member gave us a full list of the agricultural bureau's activities—that is what we want to spend money on. We want a better cane. Until the sugar manufacturer gets that better cane, this sugar business is going to be very difficult, and it is the better cane and the better methods of agriculture that we want. It is no good having co-operative societies to get higher prices for inferior cane. The man who is going to suffer is the man who cannot get his cane quickly into the factories and has a poor cane against the fresh cane brought in by people who are closer and nearer to the factories. I hope, Sir, that the Government will think over the distribution of that seven lakhs of rupees and not actually earmark it for the particular purpose which the Honourable the Finance Member mentioned in his Budget speech.

Then, Sir, I would like to emphasize again that we do think there is a considerable danger in the transfer of the industry to the Indian States. We discussed this in the Select Committee and there was no method by which we could improve on the Bill, but I would like to impress upon the Government of India that this should have their very careful attention as time goes on. That it will be a menace, I am perfectly certain. My Honourable friend, Mr. Abdoola Haroon, mentioned the factories which have suffered as a result of the earthquake. The Honourable the Finance Member in his Budget speech said that consideration would be given to factories which had suffered on account of the earthquake and to the question whether transport facilities were held up, and so on. Sir, I do not know how that is going to be done, there is nothing in the Bill to that effect, but I hope full consideration will be given to these factories. With these words, Sir, I support the motion.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, I do not wish to express any opinion about the difference of opinion between the Majority Report and the Minority Report about reducing the rate of excise duty on factory sugar. I think that the factory owners in this House have got very strong shoulders, and probably they can plead their own case very well. (*An Honourable Member*: "And their champions?")—and their champions too. Of course, the House, as at present constituted, is mostly a House which favours the capitalist (Hear, hear), and I am sure that factory owners, who, in the words of my Honourable friend, Seth Haji Abdoola Haroon, can afford to invest crores of rupees in building new sugar factories, can very well fight with the Government and have their own say. My object in taking part in this debate is to plead the cause of the poor *khandsari* and the agriculturist. (Hear, hear.)

I belong, Sir, to Rohilkund, which is considered the home of the *khandsari* sugar, and probably I can claim to have some personal and first hand knowledge of this industry more than my friend, Mr. Morgan, can claim to possess. Sir, I am not able to agree with my friend, Mr. Morgan, when he says that a *khandsari* is not an agriculturist, but an industrialist. On the other hand, I contend that this primitive system of making sugar, which is known as *khandsari* is essentially an agriculturist's business and an agriculturist's industry which can really be called as the

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cottage industry of the country and as such it ought not to be taxed with any excise duty. Sir, we know that during the last six or seven years, owing to the fall of the price of the grain, the condition of the agriculturist as well as of landholder has become very difficult and untenable. It is extremely difficult for the landholder to get his rent in cash from the agriculturist and the only way by which he can realise his rent from the agriculturist is in kind, if he can get it. Now, most of these landholders get sugar-cane from their tenants in lieu of cash rent and as they are not in a position to invest lakhs and crores of rupees and build big factories, they start the cottage industry of *khandsari* and make sugar there in their primitive manner. The margin of profit of these *khandsari* owners is indeed very small. In the first place, they cannot extract as much juice from the sugar-cane as the factory owners do. The process by which they extract juice is not so perfect, and, therefore, the quantity of sugar which is extracted by a *khandsari* is less than is extracted by the factory method of making sugar. Then, again, the quality of the sugar manufactured by *khandsari* is not so excellent as that of the factory sugar, and, therefore, in the market he cannot fetch as much price as the factory sugar does. But a very great factor in *khandsari* industry is that most of these *khandsari* agriculturists are landholders, they have not sufficient money of their own to invest in the industry, and, therefore, most of the *khandsari* industry is carried on by taking loans from the *sahucars*. If Government were to make an inquiry to find out as to how many of these *khandsaris* have got their own money and how many of them are running their business by borrowing money from the *sahucar* or the money-lender, they will find that 80 per cent of the *khandsaris* borrow money at very high rates of interest from the money-lenders, and, after paying the interest on the money which they borrow, there is hardly anything left to them which may be called as net profit. Therefore, the margin of their profit is really very very small, and any imposition of duty on this cottage industry would destroy the industry altogether. The signatories of the Majority Report themselves had to admit this when they said:

"We are also apprehensive that if the *khandsari* industry is suddenly seriously damaged that may react on the growers of cane who rely on the disposal of cane or gum to *khandsari* factories."

It appears, therefore, that any imposition of duty on the *khandsar* sugar will damage the growing of sugar-cane in the country which would be very disastrous for the agriculturist as well as for the landholder.

Now, Sir, my friend, Mr. Morgan, has referred to the definition of factory as given in the Bill, and he has pointed out that small *khandsar* factories will be exempted from the operation of the Bill. The definition of a factory as given in clause 2 is very clumsy and is worded in such vague terms that it would be extremely difficult for any *khandsari* to claim exemption from this definition. The definition of "factory", as given in the Bill, runs thus:

" 'Factory' means any premises wherein, or within the precincts of which, twenty or more workers are working or were working on any day of the preceding twelve months."

What will be the method of judging whether more than 20 persons were working in a factory? Who will take the attendance there? Will there be any attendance officer who will be visiting these factories every morning and like the school attendance officer will mark the attendances of the people who are working in it? And, then, again, if even on one day, within the preceding 12 months, 20 or more persons work in a factory, then it would certainly come within the definition of a factory, and it would be liable to pay excise duty. This will open the door of corruption, because Government will certainly appoint some official to find out how many persons are working in these factories and this official like a Patwari will be a low paid servant and the door of corruption will be open to him, for every *khandsari* owner will try to grease his palm in order to get himself exempted from the definition of a factory. Then, again, those who are acquainted with the country life in India, and, I am sure, Mr. Morgan is not

Mr. G. Morgan: I would like to contradict that statement. I lived in the Muffassil for over 20 years. Of course, I have not lived in the villages of the United Provinces, if that is the contention of my Honourable friend.

Sir Muhammad Yakub: I challenge the knowledge of any European, whether he might have lived for 40 years in India, that he knows the country life of India.

Mr. G. Morgan: Perhaps not in India as a whole, but I said in the Muffassil of the Eastern Bengal, and there are very few villages throughout the length and breadth of Eastern Bengal that I do not know personally, and I also know the life of the people.

Sir Muhammad Yakub: He might have wandered through a few villages of Eastern Bengal, but that does not make India. Besides, the way in which the Europeans visit the Indian villages is such that it does not give them any knowledge of the position and of the customs of the people in India.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

This reminds me of a very interesting story. When I used to practise as a pleader at Shahjehanpur there was a District Judge who was very popular. He worked in India as an I. C. S. officer for 30 years. He was about to retire, and an appeal was being argued in his Court, relating to a case about marriage, and the question was whether "*Sharbat kâ rupyâ*" was given on the occasion of a certain marriage or not. There is a ceremony on the occasion of marriages in which syrup or *sharbat* is brought before the bridal party, and the bridegroom's people pay some money to the barber of the family. This is called "*Sharbat kâ rupyâ*" or syrup money. When evidence was being read and the question of the syrup rupee was being argued, the Judge said: "I have been in this country for 30 years. You can make a rupee of hide; you can make a rupee of rubber, but you can never make a rupee of water (*i.e.*, *Sarbat kâ rupyâ*)". This is the knowledge of Europeans about India. So I say that the custom in the villages is that many people, who do not belong to the factories

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and who have nothing to do with the factory, one fine morning, when they are free, go and would sit in a *khandsari* factory. Probably they will get one or two glasses of sugar-cane juice and drink them early in the morning, and probably one or two of these visitors would help the *khandsari* in removing the vessel from one place to another. If these people make the number 20, and, at the same time, the attendance officer comes and finds there are twenty people, he will at once say that this *khandsari* comes within the definition of a factory, although none of those people had anything to do with the factory or had any connection with the factory at all.

Therefore, I say, this definition of factory does not in any way safeguard the interests of the cottage industry. I hope the Government will adopt a uniform policy in protecting the indigenous and cottage industries of this country. Only yesterday the Government did not care even a bit for the consumer, and they levied a tax on the textile piecegoods and hosiery, because they thought that it would help the indigenous industry in the country. I hope the same principle would be followed here and that no excise duty will be imposed on the *khandsari* industry which really is a cottage industry of the country. I am sorry that the Government Members in writing their minute of dissent did not lay any stress upon this point, but I hope that when the amendment to remove the duty from the *khandsari* sugar comes before the House, the Government Members will support the amendment. With these remarks, I resume my seat.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, having been a Member of the Select Committee and having put my signature to an explanatory note, I feel it my duty to explain the position which some of the Members of the Select Committee took on this Bill.

There is a great deal of misapprehension about the *khandsari* sugar and the duty which is sought to be levied on *khandsari* sugar. I want to impress upon my Honourable friends the fact that this Bill, as it was originally introduced in this House, did contemplate the levy of an excise duty on *khandsari* sugar. There were only two conditions that were involved before that could be levied. The first was, it must be sugar which was produced in a factory and the definition of a factory is given in this Bill. I venture to state that where *khandsari* sugar is produced and that sugar has got the sucrose content required in this Bill and where more than 20 persons are employed in the production of that sugar, then it automatically came under this Bill. Therefore, my Honourable friend is quite wrong when he says that the Select Committee went out of its way to bring in an asset into the excise duty which was not contemplated by the Honourable the Finance Member or the Bill. I am aware that the Honourable the Finance Member, in making his estimate as to the amount of excise duty that he would get from the Bill, did not include the amount under *khandsari* sugar. The explanation is quite simple. Even at the present moment, the Honourable the Finance Member does not admit that any appreciable amount of duty will be realised on *khandsari* sugar. He says that he has not got statistics, he says that there has been no survey of the number of factories which produce *khandsari* sugar. We know that 250,000 to 300,000 tons of *khandsari* sugar are produced in a year, but the question is, how much of that sugar is produced from factories, and we had it

stated in the Select Committee that, so far as the United Provinces is concerned, where the largest number of *khandsari* factories are in existence, there has been no survey of the industry at all. The United Provinces, owing to lack of finances, have not appointed the necessary Inspectors of Factories whose duty it was to make a survey and to bring them under the Factories Act, and, therefore, he says: "I am unable to state how many factories there are, and, therefore, I do not take them into consideration at all when I make an estimate of the amount of duty that I propose to get. Not that he was under a misapprehension or he contemplated that the *khandsari* will be excluded by this Bill. The misunderstanding came owing to the fact that the Sugar Association, a peculiarly inefficient body, did not understand the Bill and does not know its own interest. It was the Sugar Association that for the first time said that the *khandsari* does not come under this Bill, and it was the Sugar Association that went on to state that, in order to protect the big mills and the factories in the properly understood sense of the term, the *khandsari* sugar should be brought under this Bill. It was the Sugar Association that tried to make out that there was a necessary conflict of interest between the big mills and the *khandsari* factories, and, therefore, wanted the *khandsari* sugar also to be brought under the excise duty. We have nothing to do with the Sugar Association or with the factory owners. I state the bare fact. I read this Bill as introduced in this House and, if anybody reads it, he would come to the conclusion that the *khandsari* sugar, provided it came under the definition of factories and the proprietors employed more than twenty people, was included in this Bill and must have been paying an excise duty. May I remind my Honourable friend, Mr. Reddi, and others, who are pleading for the *khandsari* sugar, that if no amendment was made in the Select Committee, the result would have been that the *khandsari* would have paid the very same duty of Rs. 1-5-0 or whatever duty was fixed for that kind of sugar. What the Select Committee did, therefore, was to differentiate *khandsari* sugar from other kinds of sugar and put also a lower duty on *khandsari* sugar than on the sugar produced from other mills, and it was really to help the *khandsari* industry rather than to hinder it that the Select Committee made these proposals. I see that my Honourable friends, the Raja Bahadur and Mr. Ranga Iyer, have got amendments which will have just the contrary effect, and, therefore, it is that I am giving the warning at this early stage; but if, according to my Honourable friend, Mr. Reddi, the *khandsari* sugar is put under the exception like *palmyra* sugar, that is a different matter. But if my Honourable friends have in view the omission of the definition of *khandsari* sugar and removing it from the sub-clause where the specific duty of ten annas is put on sugar, and if this amendment is carried, the result will be that the *khandsari* will pay the same duty as any other sugar, and, if the Government amendment is carried, will pay that excise duty at Rs. 1-5-0 per cwt.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadian Rural): I congratulate my Honourable friend on the great discovery he has made. My Honourable friend does not know what the schemes of our amendments are. There is the amendment of my Honourable friend, Mr. Maswood Ahmad, in sub-clause (2) of clause 3, which if allowed, would exempt the *khandsari* and the *palmyra* sugar. If that is accepted by the House, then there is no necessity to have sub-clause (2)

[Raja Bahadur G. Krishnamachariar.]

of clause 3, for the simple reason that, *khandsari* sugar being exempted from the purview of this Act, that sub-clause goes out. It is a whole scheme of amendments, not one by itself. But if the amendment of mine stood alone, the Honourable Member would be perfectly right in drawing the conclusion that he did.

Diwan Bahadur A. Ramaswami Mudaliar: I am very thankful to my Honourable friend for having cleared up the position. But if I were to give an amendment, I would have made my scheme complete by itself and not made it dependent on or contingent on an amendment moved by another Honourable Member, for the other amendment may or may not be moved, it may be withdrawn. I would have made my scheme complete and there would be no difficulty in understanding that. But as the Honourable Member has not given this amendment himself, I was led to a very legitimate misapprehension, if I may say so with great apology to my Honourable friend, that this would be the effect of doing it. I, however, apologise to my Honourable friend for having misinterpreted his apparently good intentions with reference to the *khandsari* sugar.

Mr. M. Maswood Ahmad: We all are working in consultation with each other.

Diwan Bahadur A. Ramaswami Mudaliar: These are intricacies which I cannot hope to fathom.

Mr. C. S. Ranga Iyer: Will the Honourable Member vote for our amendment then?

Diwan Bahadur A. Ramaswami Mudaliar: So far as my attitude is concerned, there has been no question about it at all. I think that fundamentally this sugar excise duty is wrong at this stage. I am for excise duty, but I have said so at an early stage that I do not think the time has come when this sugar industry can be burdened with an excise duty at all. That time would have come a couple of years later when it had firmly and well established itself, whether it is *khandsari* or factory sugar. That was my position then, that is my position now. But, as the Bill has come and as Government want this duty, I have tried to do my level best to minimise what I considered to be harmful effects of the rate of excise duty.

Mr. C. S. Ranga Iyer: Will the Honourable Member secure for the *khandsari* the same concession as has been secured for *palmyra*?

Diwan Bahadur A. Ramaswami Mudaliar: The *palmyra* has secured no concession at all yet and its fate still hangs in the balance and it depends upon the investigation that the Government are going to make on the subject, and, therefore, I cannot say at present that any concession has been secured. If I had my view adopted in the Select Committee, I would have excluded *palmyra* sugar altogether, because, with the facts at my disposal, I am perfectly certain that *palmyra* sugar can never pay this amount of excise duty as in the case of the *khandsari* or any other amount of duty. But that is not the case. I was not able to carry the Select Committee with me.

Sir, my Honourable friend, the Finance Member, quite rightly referred to the fact that, so far as he was concerned, the amount of duty that he got from this sugar excise had a direct bearing on the subvention or on the grant that he would give to Bengal. I am glad that he had frankly admitted the position that both the match excise duty and the sugar excise duty, at the rate that he has suggested, are required in order that Bengal should be given the relief that he has proposed under his scheme. But may I submit my difficulties still? The Honourable the Finance Member has got not only these two definite financial proposals before him for this year. He depends for his revenues on a number of financial proposals, some of them new, introduced for the first time this year, some of them carried on from year to year. And the position of Government, with reference to the amount of duty that they will get, will depend upon the rate at which it is collected from all these various duties. He has got the customs duty on all other things, he has got income-tax, he has got the salt duty, he has got various other duties. Some of them may depreciate further than he has contemplated at present or estimated, and some of them may go up. It was only yesterday that the Honourable the Commerce Member said that, as a result of the passage of the Textile (Protection) Bill, he contemplated that for the first year at any rate he would get a larger amount of customs duty from those duties than he got in the last year. If that is so, why does the Finance Member concentrate on these two duties, the sugar duty and the match excise duty, and state that, unless he gets these in full to the extent that he has estimated, Bengal will not get the relief that she is entitled to. What will happen? If the customs duty on other commodities fall down, can the Honourable Member guarantee that from other sources he will get the revenue that he has estimated? And, Sir, may I ask him one question? When is this Bengal grant going to be given? I wish it had been given already; we would have been free then, and we would have been in a more comfortable atmosphere. I wish on the 1st April, when the Finance Bill was passed and when the Budget demands were passed, the Honourable the Finance Member had put at the disposal of the Bengal Government the crore and odd that he said he would give to the Bengal Government. Is he going to give it this month or next month, or is he going to give it after he realises all these excise duties at the end of the year? And, in any case, Sir, I ask again, what is going to happen if he gets the full amount of excise duty as he has estimated on sugar and on matches? But, if, unfortunately, it turns out that on other duties that he has calculated or estimated, on the general customs duties and on income-tax, for instance, he gets a very much lower income than he has estimated, what will happen? Surely the position is this; the demand has been passed, the grant has been made, the amount is to be given to Bengal; and if he gets less than what he has estimated, that will go to swell the deficit of the Government of India Budget and nothing else.

The Honourable Sir George Schuster: My Honourable friend has asked me a lot of questions which I will answer at some time. But I think my Honourable friend misconceives the position of the Finance Member. Obviously he is perfectly right in saying that all the duties must be taken together. That is a point I have always made; but I, in making my proposals, have to work on certain estimates. What I have put to the House is that if I cannot get the duty on sugar which I have estimated, then I do not consider that our position is safe for promising the subvention to

[Sir George Schuster.]

Bengal. That is the position. I may be wrong on the customs estimates generally. But I have taken the risk and put the position to the House, and I said they should take the risk of my estimates.

Diwan Bahadur A Ramaswami Mudaliar: We are certainly willing to take the risk, and after all, it is the House that takes the risk. It is the House that will be called upon to make good the deficit if it occurs. And we suggest that we will take such risk on the sugar excise duty.

The Honourable Sir George Schuster: But I must be the judge of that.

Diwan Bahadur A. Ramaswami Mudaliar: I thought it was the House that should be the judge of that. I thought it was the House that made the grant to Bengal, I thought it was the House that would be called upon to levy this excise duty.

The Honourable Sir George Schuster: If the House grants certain monies and then refuses to give me revenue from which the grants have to be met, obviously the grants cannot be made.

Diwan Bahadur A. Ramaswami Mudaliar: I do not think that we can carry the discussion very much further. Ultimately the House is responsible. It is not any Finance Member that is going to be responsible for any deficits. If there is a deficit for their giving the grant to Bengal, after getting the excise duty at the rate that he wanted, who is to take the risk? It is we that take the risk. Are we certain that all the customs duties and other things will accrue to the State as estimated by the Honourable the Finance Member? Who took the risk last year when we had a large deficit? We took the risk. Who is taking the risk this year when we are being saddled with additional taxation in this manner? And I may say quite frankly that at no time has the Assembly had to sanction so many duties and so many taxes as this unfortunate Assembly; and this, on the eve of the election, if all that I hear is true. And I hope it is true, because some of us at least hope and trust and believe that the time has come when this Assembly should be dissolved and a new Assembly, with more freshness and more vigour, and not in this decomposed state, will come and sit on these Benches and will give a proper reply to the Finance Member's successor next year. Sir, can you contemplate on the eve of a dissolution of an Assembly, whose life has already been extended, a Government that is piling up duty on duty and asking us with sweet reasonableness: "Here you are; these are good examples you have set. Go back to your electorate and say that you have passed taxation Bills and you have satisfied the Finance Member though you have not satisfied the country and the electorate." That is briefly the suggestion.

My Honourable friend spoke of the agriculturists. We have the agriculturist and the consumer and the industrialist so inextricably mixed up in a sort of jig-saw puzzle all the time in this House that we do not know where we stand and whom we represent. I personally think that there is a certain amount of co-ordination possible between all these interests. I do believe that there is no necessary conflict between the agriculturist and the industrialist. And I said on a previous occasion with reference to this particular Bill that the interests of the agriculturist and the interests of the

industrialist are co-extensive and absolutely mutual. You cannot have the agriculturist developing if this industry is going to be hard-hit. You cannot have the cane grower extending his area of cultivation, getting his proper price,—and that price he will get if my friend, Mr. Bajpai's Bill goes through,—unless you see to it that the industrialist gets his proper profit also. Sir, some friend remarked that this House was a House of capitalists and their supporters. As usual, it was my Honourable friend, Mr. Gaya Prasad Singh, who added the tail with the sting in it, "capitalists and their supporters". Sir, I am not a capitalist, and I hope I am not a supporter of capitalists either; but I venture to think that, taking a broad view and a far view of things, my country will be best served by a certain need of protection at this stage, by trying to see that industrialism is more largely established in this country and that we Indians shall not always be hewers of wood and drawers of water, merely producing a certain amount of agricultural produce and depending for export of that agricultural produce and also for any prosperity that we may have. That is why I have supported protection measures in this House. That is why I shall continue to give my support to any discriminating measure of protection.

Now, Sir, I do not want to go into the details of the Select Committee's Report except to refer very briefly to the circumstances under which we accepted the decision to reduce the rate of duty from Rs. 1-5-0 to Re. 1. Having given my best consideration to this question, I thought that it was not an altogether unreasonable proposition that the industry which has hardly had time to establish itself and with reference to every one of whose factories it cannot be said that enormous profits have been made, that it will be fair that that industry should be asked to pay an excise duty of one rupee only and not Rs. 1-5-0. Figures were bandied about from the Government experts to the sugar-cane capitalists, and from the sugar-cane capitalists to the Government experts. We tried to go through those figures as carefully as possible, but there is one thing which struck me that however various these figures may be, however impossible it may be to reconcile the differences between the two groups, one thing struck me that as a matter of fact the Finance Member was very near the line and was skating on thin ice, if I may vary the figure of speech a little, when he suggested that a duty of Rs. 1-5-0 would still leave the amount of effective protection at Rs. 7-12-0 as it stood. I was convinced that it was not the case. It may be that a reduction of five annas is a little too much. But I am certain that when Rs. 1-5-0 is levied on a cwt. of sugar as excise duty, I am positive that the difference between the excise duty and the effective protection which remains is not Rs. 7-12-0; because, taking the cost of production, taking the selling price of indigenous sugar, taking the selling price of Java sugar also—and this is not the place where these details can be gone into unfortunately—I came definitely to the conclusion with some little knowledge of addition and subtraction learned in my old college days, that Rs. 7-12-0 was not the resultant protection that can be assured to this industry. I am not disclosing any secret when I say that at least one or two very responsible members of the Select Committee—I shall not say whether they are officials or non-officials—felt that at least two or three annas reduction in the rate of Rs. 1-5-0 duty was necessary if the effective protection of Rs. 7-12-0 was to be maintained, and, therefore, it is that we came to the conclusion that one rupee was a fair excise duty. I had very much hoped, though the Honourable the Finance Member gave us definite indications even in the Select Committee, that the Government on second

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thoughts would consider that it was not an unreasonable proposition that if they can take the industry with them at the rate of one rupee excise duty, it was well worth their while to take the industry with them, and that it was no use pressing to the last point the duty that they had determined upon on the very first occasion. I was surprised and a little disappointed to find at a very late stage last night, I believe, because we got the amendment late last night, that my friend, Mr. Hardy, on behalf of the Government apparently had given notice of an amendment to raise the duty to Rs. 1-5-0 again. As that amendment is going to be specifically discussed, I do not want to state more on this subject at present. I think that on the whole, though as I said from conviction that this is not the time to levy an excise duty, I should have been glad if this duty had been postponed for a couple of years at least, on the whole I think that the Select Committee has improved this Bill very considerably and that, if the Select Committee's recommendations are accepted, this excise duty will be launched out under the best auspices possible. I can only assure my friends, who have spoken on behalf of the cottage industries, that the Select Committee intended to protect the cottage industries, and it was in pursuance of that intention that they made the distinction that they have made in this Bill; and I do not know whether it is possible in this House at all to fight against a Government amendment. I am aware that the Honourable the Finance Member is in very strong position: our ranks are divided, and if he chooses to press his amendment of Rs. 1-5-0, I have very little doubt—I am under no illusion whatsoever—that that amendment will be carried. I can only say that it will not be a very well advised step on the part of the Government to press for the last pound of flesh in this case and to hurt some at least of the industries which have not yet had time to develop, because other concerns, which are producing sugar, have in the past made enormous profits. We took a comprehensive view of the whole situation; we looked at the sugar factories not merely at one or two places like Meerut or Delhi which have made, and even more, boasted of making enormous profits; we took into consideration the far-flung factories in the eastern, southern and western corners of this country, and we are convinced that with this excise duty of Rs. 1-5-0, those factories will have a very bad time of it if they do not close down altogether. It is not in the interests of the capitalists as such: it is not in the interests of those who have invested crores; but it is in the larger interests of the country which wants to be self-sufficient so far as sugar is concerned, in the larger interests of the agricultural classes who, we hope, in these days of falling prices, will turn their attention to something which is more economical and more paying like sugar-cane—it is in their interests that we have made the amendment that we have done in the Select Committee. On a famous occasion, a Shakespearian character said: "It is not in mortals to command success, but let us deserve it." We are now reduced to this position owing to the extended Assembly that it is not in the power of the Opposition to command success . . .

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan): It is not Shakespeare: it is Addison in *Spectator*.

Diwan Bahadur A. Ramaswami Mudaliar: I have a faint recollection that Shakespeare also has used it. My Honourable friend, Sir
4 P. M. **Hari Singh Gour**, may shake his head as much as he likes: I think he is a greater authority on transfer of property and he might leave

Shakespeare alone. I cannot say that it is in the power of the Opposition to command success; but if there is a case and an occasion when the Opposition deserves success, I venture very respectfully to say to the Honourable the Finance Member that this is such a case.

Mr. B. Das: Sir, the Bill, as it has emerged from the Select Committee, has removed much of the misconception and confusion that was in the minds of Honourable Members in the House and that was caused by inspired messages in the press by certain interested sugar manufacturers. The one thing, that has emerged from the Report of the Select Committee, I find, is that the representatives of sugar manufacturers have agreed that there should be a sugar excise duty; whether it is one rupee or one rupee and five annas, is immaterial. Therefore, the noise that was made in the press was quite out of all proportion when I find that there is not a single minute of dissent written by my Honourable friend, Mr. Aggarwal or Lala Hari Raj Swarup or Haji Abdoola Haroon, that there should be no excise duty. That means that the papers that were circulated and the cries in the press that the sugar industry would be destroyed were all baseless.

My Honourable friend, Diwan Bahadur Ramaswami Mudaliar, alluded to one point, that certain papers and certain facts were placed before the Select Committee which led him to the conclusion that there should be one rupee excise duty on sugar per maund. In spite of the ruling of the Chair, I am surprised to find that those statements and papers do not form part of the Select Committee Report. Sir, once the ruling has been given from the Chair that any papers that are placed before the Select Committee should form part of the Select Committee Report, I am surprised to find that we have not got those documents of which my Honourable friend spoke with bated breath as if he was imparting some secret, when we know that there was no secret, because it was the ruling of the Chair that all documents placed before the Select Committee should form part of the Select Committee's proceedings. Sir, I would like to know, when the Honourable the Finance Member replies, as to why these documents, which were placed before the Select Committee, do not form part of the Select Committee's Report. I did not take part in the debate on the last occasion when this Bill was discussed and referred to Select Committee. I do not know if the Finance Member will give a reply to my question now

The Honourable Sir George Schuster: Certainly the papers are all there. It certainly was not our intention to keep back any of these papers. They were all made available to members of the Select Committee, and I shall be only too glad if they are in the hands of every Member of the House. I will inquire into the matter as to why they were not circulated. There were very long notes; so that it would have been a very expensive thing to print them up, but they were cyclostyled and it is quite possible for every Member to have copies.

Mr. B. Das: Since there is a ruling from the Chair that all papers should be made available to Members of the House, I hope that it will be adhered to in future, because we would like to know all secrets, as members of the Select Committee know them

Diwan Bahadur A. Ramaswami Mudaliar: I did not mention that it was a secret. In fact, I took it for granted that they were circulated. I was not here when the Report of the Select Committee was presented.

Mr. B. Das: Now, Sir, when the Honourable the Finance Member introduced the Finance Bill, I had the temerity to give an interview to the press welcoming the feature of excise duty as the future taxation policy of the Government of India. And, Sir, that has led to much comment. Friends have written to me as if I am out for destruction of the sugar industry. If I am out for destruction, then my friend Seth Abdoolu Haroon is also out for destruction, because they have all agreed to the principle of levying an excise duty of one rupee.

However, I should like to touch on one or two points. The Majority Report says:

"We desire to record our conviction that Government should, in return for the tax which they are now levying upon the sugar industry, afford all possible help to the industry by the organization of measures of research, both agricultural (evolution of better types of cane, etc.) and industrial (disposal of bye-products, etc.)"

In the year 1932, some of us in the Select Committee wanted that the Government should take up the development of better cane,—of course I am indebted to the Government this time, because my Honourable friend, Mr. Bajpai, will discuss tomorrow his Bill and sugar-cane will receive a certain amount of protection,—but it took two years for the Government to think out and plan out a system whereby sugar-cane should be protected. My friend, Lala Hari Raj Swarup, who was my colleague in that Select Committee on the Sugar (Protection) Bill, was not enamoured of the idea when I wanted that Government should do something for the development of sugar-cane

Lala Hari Raj Swarup: No, I sided with you, and we both put in a recommendation.

Mr. B. Das: No, I will bring the Select Committee's Report and read it out later on. I wanted that there should be sugar-cane research carried on under Government auspices, and Government took three years to give effect to that proposal by bringing in a new Bill whereby the interest of cane growers would be safeguarded. So here I find there is a balancing view of two sections,—one section wanting the evolution of the better type of cane and the other section wanting research in the disposal of bye-products. Now, the other day, when the discussion was going on,—I don't want to lay much stress on it today,—I will again speak when Mr. Bajpai's Bill will come up tomorrow,—I pointed out that the sugar manufacturers were paying an uneconomic price to the cane grower, and somebody pointed out that it was not the fault of the sugar manufacturer, but it was the fault of the contractors, and I and my friend, Mr. Maswood Ahmad, shouted that in most cases these contractors were relations of sugar manufacturers. I do hope that my Honourable friend, Mr. Bajpai, will send telegrams and find out in how many cases the contractors who purchase sugar-cane for the millowners are really relations or are agents or in some way identify themselves with the sugar producers, before he brings forward his Bill tomorrow. Things have gone on to such a pitch that sugar-cane has been brought and dumped in sugar manufacturers' place, and these poor cane growers have been paid one anna to two annas

An Honourable Member: That is not the true position. Who says that?

Mr. B. Das: I will again repeat what I said. Was it not a fact that the manager of a sugar factory was assaulted by the villagers for the ill-treatment they received at his hands in my friend, Mr. Maswood's Province of Bihar? It will be washing dirty linen if I allude to it again, and I don't like to wash dirty linen, but as the Finance Member has given us a chance, I want again to plead for equity and justice for all sections, the manufacturer and the cane grower, and I think it is time that Government devised some kind of machinery so that these extortions are not repeated.

Seth Haji Abdoola Haroon: It is all due to bad management.

Mr. B. Das: My friend, Seth Haji Abdoola Haroon, says that it is all due to bad management. Now, when this House grants protection, it should not give a *carte blanche* to our friends, the sugar manufacturers, to employ Dutch engineers who are out of employment in Java and other foreign countries. Will Government take steps and inquire, in how many factories Javanese and Dutch chemists and Dutch engineers have been employed

Mr. N. M. Joshi (Nominated Non-official): Are you speaking for the Engineers' Union?

Mr. B. Das: Sir, these people want protection. Do they deserve it? Sir, I can give today the names of dozens of Indian sugar chemists and technological experts who are on the unemployed list. There are dozens of Indian chemists and Indian engineers, but what happens in their case? These factory owners adopt the penny wise and pound foolish policy; when an Indian is to be appointed, they go on bargaining with him, and if a foreign employee has to be paid Rs. 1,000, throughout the year the Indian will be offered Rs. 200 or Rs. 300, and he would be employed only during the season of four months. Now, why should the nation give these sugar manufacturers protection when they do not even care to employ Indians. Sir, I would rather see these factories closed down if I find that Indian experts are always excluded

An Honourable Member: Are they?

Mr. B. Das: Yes, they are. There is Mr. M. P. Gandhi's book, but the names of managers and other sugar experts are not given therein. Let my friends telegraph to Calcutta and find out whether they have been honest in asking for this protection, and in how many cases Indian experts have been employed. Now, many sugar factories do not work throughout the year, and why is it so? My friends, the sugar capitalists, instead of consulting experts, consult ordinary people, and where a plant that would cost 12 lakhs is required, they order for a plant worth about 8 lakhs, and, in some cases, when the plant is installed, it does not work. That is the reason why one section of the sugar factories make 90 per cent and 100 per cent profit, while the other section makes zero per cent. We are not here to protect inefficiency. If, at the outset, they did not care to consult

[Mr. B. Das.]

experts, if they merely consulted a few agents of the Dutch or British firms who represent their principals, the machine manufacturers in India, what could they do? These gentlemen, who are all the time dabbling in sugar as some other trade in Burra Bazar or somewhere else, know only about trade, they know nothing about the manufacturing side of the business. When they see that a man has put up a plant for Rs. 9 lakhs, they ask, why should I not have a plant for 8 lakhs? The firm manufacturing sugar machinery quote Rs. 8 lakhs, but they cut out pipe lengths, auxiliary equipments and even supply wrong size equipments and that is why we have heard complaints in this House that the sugar mills do not work properly. The reason is that the plant is not properly equipped, there is no proper technical supervision.

Sir Muhammad Yakub: These people did not consult my friend, Mr. B. Das.

Mr. B. Das: I am a consulting engineer, but I do not dabble in sugar machinery.

I am against *khandsari* paying any excise duty. Of course I find that small open pans and small centrifugals will be excluded as the Bill is designed. I do not think that there will be a rupee collected from the *khandsaris* out of the ten annas excise duty recommended by the Select Committee, because, if the big capitalists are clever, the small capitalists also are clever. They will simply distribute their *khandsari* plant. Where there are 10 or 20 centrifugals working now in one factory, they will distribute them over five places or villages and put up a small factory with only five or six men. Thereby they will escape paying excise duty, and I want them to escape. It was never meant to tax cottage industries. As regards what attitude the sugar capitalists have adopted towards *khandsari*, there is a little story in Oriya. A man had two wives, and, in order to avoid any quarrel, he allotted his right hand and right leg to be ministered to by his first wife and the left hand and left leg and left half of the body to be ministered to by his second wife. The wives, while ministering to the comforts of the halves allotted to them, became jealous of the other halves and ill-treated them with the result that the husband was nowhere. (Laughter.) They find that Government are now going to collect money for revenue purposes. They say, why should these poor people gain some advantage over themselves. "Let us strafe them". By the very nature of their manufacture they do not extract more than five per cent, while my Honourable friend, Seth Haji Abdoola Haroon's factory gives a cane yield of 9 or 9.5 per cent. although a few minutes ago, in his modesty, my Honourable friend, Lala Hari Raj Swarup, said that the yield was 8.5 per cent. If that is so, I can advise him to go and sack his chemist, he is unfit to be his sugar chemist if he gives only 8.5 per cent.

Lala Hari Raj Swarup: That is the average for the whole of India.

Mr. B. Das: They do not employ proper chemists. Any fellow who handled some elementary tools in Java comes here and becomes an engineer. I appeal to the Finance Member not to be taken away by the swan song

of sugar producers and devise a scheme for collecting certain amount of money from *khandsari* sugar. If the scheme is designed, the *khandsari* factories will distribute themselves and they will not pay anything. It may be that some of those who have got large factories producing sugar from *jaggery* may come under this, and that I do not mind. I am glad that my Honourable friends, Sir Muhammad Yakub and Mr. Ranga Iyer, hail from the Rohilkund and Kumaon districts. Everything that is "sweet" comes from the Kumaon district and no wonder that Kumaon manufactures sugar as it produces so many other "sweet goods". I do hope that my friends will achieve their object. With these few observations, I support the motion.

Dr. Ziauddin Ahmad: At the outset I may state that out of all the items that we have been discussing, there is only one in which I have got a financial interest and that is sugar about which I am going to speak now. We may or we may not agree with the Government that a revenue duty should be levied upon sugar. From the point of view of the consumer, I would very much welcome if Government would levy as little duty on this commodity as on anything else, both in the shape of excise and import duty. From the point of view of the consumers, that is the view I would take, but if for revenue purposes the Government decide to get some revenue out of this, I would still appeal to the Honourable the Finance Member whether he would accept not to levy a duty if I give him an income somewhere else which he never expected and I never expected.

The Honourable Sir George Schuster: If my Honourable friend will produce it in advance, I might consider it.

Dr. Ziauddin Ahmad: That income is the income promised by the Honourable the Commerce Member out of the result of his Tariff Bills. I do not agree, but he promises this income.

The Honourable Sir George Schuster: I counted on that.

Dr. Ziauddin Ahmad: Then, I think, you will find you are mistaken in counting on that. Once you decide that the duty should be levied for revenue purposes, then the arguments, the figures and the manner of the Honourable the Finance Member are perfectly straight and unchallengeable. We may argue with him whether this duty should be levied or not, but once the principle is accepted, then no one can raise any objection to his arguments. Now, the point on which emphasis was laid was whether we should accept the recommendations of the Tariff Board. If the conditions have changed, then the only thing to do is to have another Tariff Board inquiry or an inquiry by a special officer. This is the point that I have been stressing. On account of the ignoring of this particular point, a new disease has been created which my friend, Dr. Dalal, might be able to explain. It is called "hosieratus". When I look at the disease and the nature of the symptoms, I find that it was not unknown to the ancient Greeks, Bocrates and Galilins, but it seems to have been forgotten during the middle ages. The symptoms of this disease are that a man loses his balance of mind. he becomes obstinate and loses his common sense. He cannot differentiate between a fleecy shirt and an ordinary shirt, every shirt appears to him to be fleecy and, at a further stage, he cannot

[Dr. Ziauddin Ahmad.]

distinguish between a vest which will fit my friend, Mr. Raju, and one which will fit my absentee friend, Mr. Kabir-ud-din Ahmad. This disease is particularly contagious. Any one who hears about it begins to suffer. It is transmitted by sound. We really require a special inquiry about it, and I think the matter might be referred to the Council of Medical Research. If we begin to doubt the findings of the Tariff Board, we certainly are bound to come to some absurd conclusions and we will probably be suffering from the same kind of disease. It has been repeatedly said that the Tariff Board and the Government promised a protection of Rs. 7-12-0. Nobody is going to doubt it. Those who got an additional advantage in the way of surcharge cannot claim it. They got it by mistake and they cannot establish their claim. I consider that even the protection of 7-12-0 is fairly high. If you go into the details, you find that they have given a profit of ten per cent which is indeed much more than we can allow. They have got the advantage of the freight from the factory and back again, and there are many other conditions which probably we cannot judge. If we want to modify the conditions in the light of present day conditions, it will be exceedingly unfair to discuss these things in a Select Committee in which there are divergent personal interests. This thing should be decided not by show of hands in a Committee, but by a special officer appointed by the Government. If any one says that the Tariff Board conclusions ought to be changed in the light of present day conditions, then I submit that there should be another Tariff Board inquiry consisting of three persons or an inquiry by a special officer who can make local inquiries. Here we are discussing these things without full information.

My friend, Mr. Morgan, did not even know what *khandsari* sugar is. He had probably never seen it made. I say that whatever may be the decision, it should be arrived at only after making local inquiries by means of a Tariff Board or by a special officer, and until such inquiry is made, we should stand by the Report of the Tariff Board.

My friend, Diwan Bahadur Mudaliar, who spoke this day, forgot it and took an entirely opposite view in the case of previous Bills. This is the point which I stressed in the case of the previous Bills, that we must go by the recommendations of the Tariff Board. Otherwise we will suffer from "sugaratus" as we suffered from "hosieratus". At present we cannot go beyond the recommendations of the Tariff Board.

Coming to the *khandsari* sugar, this is the point I would like to discuss at greater length when specific recommendations are taken up. There is one point which they seem to have forgotten that the *khandsari* sugar is made out of the juice which is extracted in the old fashioned manner. By this method, you cannot extract more than 50 or 60 per cent out of 100 maunds of sugar-cane. In the case of the sugar factories, they extract from 80 to 90 per cent and even 95 per cent, I am told. Therefore, it is really unfair to treat it in the same way as sugar. And, then, another thing is that the rich people use factory sugar, and I do not think that any Member of the Assembly would use *khandsari* sugar for his tea, and I think the respectability of the tea table will be lowered if you put *khandsari* sugar on it. I would like to take it up afterwards when we come to the amendments. I say that, so far as the price of sugar-cane is con-

cerned, I am glad we are taking up this question, because it has been a standing complaint against the sugar manufacturers. The Tariff Board Report suggested eight annas and a minimum price of seven annas, but the price which has actually been paid is four annas and sometimes even three annas per maund at the factory; and considering the enormous losses that the sugar-cane producers have been having, I think it is fair that we ought to take some action in this matter. We should not be unfair to the millowners, we should see that they should get a profit, but what is the meaning of "reasonable profit"? Reasonable profit in these days is six per cent on the capital. Anyone getting that is practically right and I can today mortgage all the mills in India at a six per cent profit provided they continue to put the same energy into their work as they are doing now, because I am perfectly certain that even by paying very high excise duties they can make at least 25 per cent on the figures I have calculated. Do not rely on my figures, but on those in the Tariff Board's Report. With these words, I support the motion that the Bill be taken into consideration.

Bhai Parma Nand (Ambala Division: Non-Muhammadan): Sir, this Bill can be considered best from two different points of view. One point of view is that we should sit down and examine the figures and, by means of those figures, the cost of production of sugar in India and the cost of production in Java as well as an estimate of profits and dividends made by these factories and then on the basis of these profits we ought to fix the proper amount of excise duty on the sugar produced by them. I think, Sir, the consideration of this point is yet quite premature. The sugar industry is as yet in a fluid state and it is not possible for us at this stage to find out exactly what the cost of production of sugar will be and what would be the amount of profits or dividends that will accrue to the factory owners. It is only this year that about 77 new sugar factories have been established and have begun to work. Their accounts are not yet before us and were not before the Select Committee; therefore, as I said, the consideration of this point is premature. Besides, there is another reason against the view which the Government side took in the Select Committee. They produced before us one set of calculations about a model factory and from that model factory they gave us the cost of production, the cost of cane, the amount of profits and the amount of interest, along with the sale price of sugar. I think this model factory may be an ideal thing, but if we look at what actually takes place in practice, it is very hard to say that all those factories that have been recently established or anyhow a large number of them would be able to make such profits and would work up to that ideal of a model factory on the basis whereof the estimates had been made. On this ground I think it is not quite possible for me to take those figures and draw inferences therefrom.

Now, Sir, there is a second point of view from which we can consider this Bill and that is whether the proposal to impose an excise duty on sugar is consistent with the objects and the policy as enunciated by the Government during the last year when they thought of giving protection to this industry. Sir, in order to explain this point of mine, I will take a quotation from the speech of the Honourable the Finance Member and draw the attention of this House to what he said. The Finance Member said:

"I say at once that if this measure that we are introducing can be demonstrated to be inconsistent with the policy that was introduced by the Honourable the Commerce

[Bhai Parma Nand.]

Member in 1932, then we must go back on the measure. We must amend the measure and we must acknowledge our mistake."

The Honourable Sir George Schuster repeated this with emphasis. He said:

"We still adhere to that policy of protection of the sugar industry whatever it costs. That is the policy which we have adopted and we must adhere to our word."

Sir, herein we find the enunciation which has been made by the Honourable the Finance Member even after having introduced this measure in the House. I may be quite mistaken, but as far as I can see, I got a clear impression that this measure is not consistent with the professed policy of the Government as we find it stated in the Sugar (Protection) Act. I have put it down in my note of dissent. I would beg the indulgence of this House just to let me quote one or two sentences from that note:

"In order to explain my point clearly, I want to take a free extract from the Sugar Industry Act, 1932. It begins 'Whereas it is expedient in pursuance of the policy of discriminating protection of industries in British India, with due regard to the well-being of the community, to provide for the fostering and development of the sugar industry for a period ending with the 31st day of March, 1946' "

and so on, and then there follows the provision as to how it is to be done.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

It is quite clear in this Preamble—that the Government had a very definite idea in their mind. They wanted to protect the sugar industry in British India and also to provide for the fostering and development of the industry for a period of fifteen years till March, 1946. Now, Sir, it is argued that the Government, as I quoted the Honourable the Finance Member's remarks from his speech, were not going back on their work, but they were trying to counteract the additional advantage that this industry had received on account of the surcharge. My point is very simple. This Protection Bill was introduced in September, 1932. In 1930, we had the import duty on sugar at the rate of six rupees per cwt. This duty had been levied since the year 1894. For the first few years, it was levied on imported sugar at the rate of five per cent. which was afterwards raised to ten per cent. and then to 25 per cent. In 1920, it was made an *ad valorem* duty of Rs. 4-8-0 and in February, 1930, it was raised to six rupees. It was then purely a revenue duty and gave a certain amount of protection by the way to the sugar industry. But, at that time the Government had not declared their policy of discriminating protection and had not imposed any protection duty on imported sugar. In 1931, there was the Emergency Finance Bill before us and it was at that time that we got this surcharge on import duty along with others. This surcharge was already there in September, 1932, when the Honourable the Commerce Member, Sir George Rainy, introduced that Bill with the words which I have just quoted to this Honourable House. If the Government at that time had in their mind that this surcharge should be counteracted somehow or other, I think their course of action was plain. They should have told us or told the people that this surcharge would be taken as a part of the protective duty and nothing more. Sir, this state of things went on for a year and a half. No doubt the Honourable the Finance Member gave a hint during the last Budget speech but I do not think it could very well follow from that hint that this surcharge could not remain part of the duty for all the time. At any rate it was not made clear that there was going to

be an excise duty the very next year. Even supposing that the Honourable the Finance Member wanted to make that surcharge a part of the import duty and equalise it to the amount that was fixed by the Tariff Board, it would have been a better thing to do in 1932. In that case, another clear way was open to us, as the remedy was already supplied in the Sugar (Protection) Bill of 1932. Clause 4 of the Protection Act clearly provided as follows:

"If the Governor General in Council is satisfied after such inquiry as he thinks fit that the sugar not manufactured in India is being imported into British India at such a price as is likely to render insufficient the benefits intended to be conferred upon the sugar industry by the duty imposed by section 2, he may by notification in the Gazette of India increase such duty to such an extent as he may think it."

The underlying idea is quite clear that if the import duty of Rs. 6 per cwt. *plus* the surcharge would not have been enough, and if, with that duty, the import of Java sugar into this country would have gone on, then clause 2 of the Protection Act provided that the Governor General, after making an inquiry into the matter, could levy an additional duty on the import of sugar so as to maintain the benefits that were to be conferred on the manufacturers or on the industry by the imposition of the protective duty.

What I want to say, is this. In the first place, it should have been made clear in 1932 that the surcharge would become a part of the import duty, so that if, after this, Java sugar came into this country, the manufacturers could approach the Governor General who was authorised under the Act to impose a fresh duty. Surely they would have been in an advantageous position. They could never imagine at that time and for all this time, that this new device would be found out and such a heavy excise duty would be levied on the produce of sugar by these factories. There is another point that has been mentioned by my Honourable friend, Diwan Bahadur Ramaswami Mudaliar. He has told us that even admitting that the surcharge gives a certain additional advantage, and, in order to counteract the effect of that surcharge an excise duty has to be levied, a duty of Rs. 1-5-0 would be a much heavier burden than what would fall on foreign sugar on account of the surcharge. I think it is not in effect the same thing—to levy Rs. 1-5-0 per cwt. on the produce and to levy a duty of Rs. 1-5-0 or even Rs. 1-13-0 on the import of sugar. These two things cannot be equalised in their commercial effects. I think the manufacturers would be much better off, if there were one compact duty and they had to compete with larger foreign imports by having it reduced than having recourse to this process of levying a heavy excise duty on their produce of sugar.

My Honourable friend, Dr. Ziauddin Ahmad, says that we should only take the Report of the Tariff Board and we cannot but follow the recommendations of the Tariff Board in this respect. I would like to ask him that when this protective duty was levied in 1932, why did he not come forward with his objections to this increase recommended by the Tariff Board. The surcharge was already there as a revenue measure. It was his business or the business of those people who support the Government now to have come forward and told us: "You cannot have more than what is recommended by the Tariff Board." The recommendation was already there, and this duty was levied in addition to the amount of surcharge. The only argument that the Honourable the Finance Member has given us is that he does not want to let the benefit of this surcharge to be enjoyed

[Bhai Parma Nand.]

any more. Our view is that if he takes away the surcharge from all other taxes and duties, we will gladly welcome it and nobody could then raise any objection to his proposal to incorporate this surcharge into import duty as he himself has said in his speech. He says that according to Sir George Rainy:

"The effect of that measure was to make the revenue duty of Rs. 7-4-0 a cwt. permanent, and it would remove the basic duty of Rs. 7-4-0 a cwt. from the power of myself as the Finance Member to vary it downwards if the financial exigencies dictated such a course."

The idea is that Sir George Schuster has promised to us that this Rs. 7-4-0 would become a permanent duty whether the surcharge is removed on other taxes or not. It is quite true that this is one simple advantage, but as long as the surcharge is there and as long as certain people relying upon that surcharge started these factories and invested their money in these factories, we have to give them some time to think, at least during the period as long as the surcharge continues, to enable their industry to become stable and fit to stand on its own legs. Therefore, I quite agree with the view of my Honourable friend, Mr. Mudaliar, in this respect that this duty was not fair and we should in no case have allowed this duty; but because we were powerless and we could not effectively oppose it we could not simply look to the Finance Member. I think the Finance Member should have shown a spirit of compromise in the matter and should not have been so adamant as to refuse even the unanimous demand made by the Members of the Select Committee and even go so far as to propose an amendment on the majority recommendation of the Select Committee. I hope the Honourable the Finance Member would kindly consider again the position and at least allow the recommendation of the majority of the Select Committee to stand as it is.

The Honourable Sir George Schuster: Let me say at the outset that I think on the whole this case has been very fairly argued and I fully sympathise with the point of view of Honourable Members who have spoken against the higher level of duty. I have no doubt that they feel that they are right, but I must emphasise on my side and I do this particularly in reference to what my Honourable friend, who has just sat down, has said, I must emphasise on my side that this is not a case of our sticking obstinately to the maximum that we can get, it is not a case of greed, it is definitely a case where we thought that this was the right provision and that makes it all the more difficult to agree to a compromise. I entirely agree, if I may say so, with my Honourable friend, Dr. Ziauddin Ahmad, when he says that where you have got a Tariff Board Report and a certain measure of protection recommended, then the only safe thing to do is to stick to that. That should be your test and that should be your guide, and if you depart from that and try and adjust the position according to the sort of debate which is possible in this House and according to the sort of discussion that is possible in the Select Committee, then you get on to very dangerous paths indeed and if the measure of protection is not enough, then my Honourable friend said, let there be another Tariff Board enquiry. We have not the material with which to check over the whole business again. Having said that, I think I need say very little except possibly to clear up some point on which the discussion has chiefly centred. We have had perhaps more discussion about the position of the *khandsari* sugar makers than about anything else.

Now, I want to be very frank with the House about this. There is no doubt that it is a very difficult position to deal with. On the one side, we do not, and I say this quite definitely, we do not want to do anything which is going to stamp out a genuine agricultural industry (Hear, hear), so far as it is a small cottage industry we recognise that it is serving a very useful purpose in areas where cane growers have got no other markets and we do not want to stamp out a genuine cottage industry. On the other side, one must take account of a very strong argument of principle that it is not right to give an artificial stimulus to a comparatively inefficient method of manufacture and where there is a definite manufacturing industry of *khandsari* sugar in competition with a modern large scale sugar factory, then it would definitely be wrong for the Government to adopt any course which artificially diverted the energies into the more inefficient type of manufacture. Those two more or less apparently conflicting considerations are what makes this such a difficult case.

I want to be frank on another point, namely, the question of what our intentions were when we introduced this measure. It has been
 5 P.M. argued by certain speakers that we had no intention of touching the *khandsari* sugar there. My Honourable friend, Mr. Mudaliar, has cleared up that point and he has shown that we have left the Bill exactly as it was except that we made a distinction in favour of the *khandsari* sugar and the rates of duty on it. We certainly intended to catch definite factory made *khandsari* sugar. Now, the question was how much were we going to catch and there we were in great difficulty owing to the fact that we have no reliable statistics on which to work. We deliberately took the low figure, we had not reckoned on catching more than about 25,000 tons. Now, when the duty has been hard, I do not propose to alter our estimates of revenue, and that means that now we should be estimating on catching about 50,000 tons of *khandsari* sugar. We may catch more, we may catch less. It is very difficult to say. We stood in between those two conflicting considerations which I have mentioned and we thought that the soundest thing to do was to adopt the definition of a factory from the Factory Law and to work on that, and it remains to be seen what that will produce, but one thing I can say and that is that we do not intend that the Act shall be administered in such a way as to drive out of existence the small cottage concerns. (Hear, hear.) I think it will be found in practice, as we gain experience, and, possibly, then, as a result of experience, we may be able to devise some clearer measure which will perhaps in some way be more satisfactory.

Another point I should like to state and that is, I entirely agree with my Honourable friend, Mr. Morgan, when he said that the real thing for the country to go for is an improvement in the quality of cane and we ought to try and help both the grower and the industrialist in that way as much as we can. I have already made clear when I spoke this morning that Government's intention is to help on work of that kind. Another point on which I feel I ought to say something is what my Honourable friend, Mr. Mudaliar, said about our financial estimates. Now, Sir, the point I want to put to my Honourable friend is this that it is one thing if we lose our resources, because our calculations go wrong, and quite another thing for this House to come and deny us the resources which we think necessary according to our calculations. If our calculations go wrong, obviously we have to carry out our commitments and then the Government, unless we have a margin absolutely necessary by way of surplus, the Government Budget will show a deficit. What we, as a Government, cannot

[Sir George Schuster.]

consent to is to embark upon a programme where our commitments are greater than what we could reasonably estimate our revenue to be. That, I think, clears up that particular point. I think I need say no more, and I would ask the House to view this matter in a businesslike way, influenced neither by sentimental considerations of those who ask us to spare the factory industry, because it is so young, or those who plead that we should spare the *khandsari* industry, because it is so old. We must deal with this on business lines, and I think that we have got a businesslike measure. This I have already told the House in one respect, and in another respect I shall have to move an amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That the Bill to provide for the imposition and collection of an excise duty on sugar, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That clause 2 stand part of the Bill.”

Mr. M. Maswood Ahmad: Sir, before the Raja Bahadur moves his amendment No. 3, I want to point out that it will be better to discuss clause 3 now, because this amendment is consequential on some other amendment. Because, if a certain principle is accepted by Government, then the amendment will come in.

Mr. President (The Honourable Sir Shanmukham Chetty): Consequential on what amendment?

Raja Bahadur G. Krishnamachariar: Sir, I do not move amendment No. 3 now, because, as my friend, Mr. Maswood Ahmad, said, it is really a consequential amendment dependent upon the amendments of my friend, Mr. Reddi, and upon the amendment of Mr. Maswood Ahmad, regarding clause 3. So, if you will allow. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair must be told on what amendment it is consequential.

Raja Bahadur G. Krishnamachariar: On Mr. Reddi's amendment No. 2.

Mr. President (The Honourable Sir Shanmukham Chetty): That has been passed over, because the Honourable Member was not in his seat when it was called. So this also goes out.

Raja Bahadur G. Krishnamachariar: Then I will refer to Mr. Maswood Ahmad's amendment to clause 3 which is No. 12.

Mr. M. Maswood Ahmad: Amendment No. 14 has not been passed over. Unless that amendment is moved, how can it be discussed?

Raja Bahadur G. Krishnamachariar: With reference to the amendment, may I, with your permission, submit what I visualise is the whole process. My position is that if in the amendment of Mr. Maswood Ahmad this House agrees that *khandsari* sugar should be exempted entirely from clause 3, sub-clause (1), then I would not move any amendment, to omit the definition, but I would move an amendment regarding clause 2 asking that the duty provided for *khandsari* sugar may be omitted. I do not know if I made myself clear. My scheme is this, and I put it subject to your ruling. My point is that *khandsari* sugar must entirely go out of this Bill. How I understood the position is that if Mr. Maswood Ahmad's amendment upon sub-clause (1) of clause 3 be agreed to in this House, it will read, "on all sugar except *khandsari* and *palmyra*". So that, when that first sub-clause is passed, the result will be that *khandsari* sugar will not be taxed at one rupee. Then, there is another clause which says that *khandsari* sugar will be taxed at ten annas. I want that that clause should be wiped out with the result that sub-clause (1) for *khandsari* sugar would altogether escape duty.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member's point is that if the House agrees to delete altogether the duty leviable on *khandsari* sugar, then there is no need to have a definition of *khandsari* sugar, and the Honourable Member will move his amendment.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, I may point out that the definition is necessary in any case and the Honourable Member should really not move the amendment. If *khandsari* sugar is to be excepted, as Mr. Maswood Ahmad points out, even then the definition is necessary. The Honourable Member should not move this amendment at all.

Raja Bahadur G. Krishnamachariar: All right, I shall not move it.

Mr. President (The Honourable Sir Shanmukham Chetty): If the Honourable Member moves his amendment now, the result will be, that there will be no definition of the words "*khandsari* sugar" in the Bill; and that will defeat the very object that he has in view.

Raja Bahadur G. Krishnamachariar: I agree, I shall not move that amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The same remarks will apply to amendment No. 4.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 3 stand part of the Bill."

With regard to clause 3, there is an amendment in the names of Mr. Morgan and Mr. Ramsay Scott which wants to substitute a new clause. The general practice is that new clauses are taken up at the end after the other clauses are disposed of unless it is essential to take up any of them earlier. The Chair hopes there will be no objection to taking up this new clause at the end after the other clauses are disposed of.

Mr. G. Morgan: I have no objection, Sir.

Mr. F. E. James (Madras: European): Sir, I beg to move:

"That in sub-clause (1) of clause 3 of the Bill, for the words 'the 1st day of April' the words 'the 1st day of August' be substituted."

At the outset, I should like to make the position of my Party clear in regard to this matter. We propose to support this amendment and we propose at the same time to support the amendment to be moved by my Honourable friend, Mr. Hardy, to add to the words "one rupee," the words "and five annas" in sub-clause (2)(ii) of clause 3 of the Bill on condition that this is also agreed to.

I have explained my own position in my note in connection with the Report of the Select Committee. Like my Honourable friend, Diwan Bahadur Mudaliar, I considered this matter in the Select Committee from an entirely independent point of view, and I came deliberately to the conclusion that the manufacturers had not made out a completely satisfactory case for a reduction of the excise duty from Rs. 1-5-0 to one rupee. I am not going into the reasons for that conclusion at the present moment, because this question was dealt with very largely at the consideration stage. It is true that the figures produced by Government were challenged by the manufacturers on the Committee, and at one time I had some doubts as to the matter, and indeed I was responsible on the Select Committee for moving that the duty be fixed at one rupee subject to a further inquiry by the Tariff Board. I made that motion on the Select Committee in order to bring things to a head; but my own feeling was, after the fullest possible discussion in that Committee and after the memoranda with which we were supplied by the Government that a complete case had not been made out for a step which would in effect alter the effective protection recommended by the Tariff Board. At the same time, I did feel and I know that my feeling is shared by my colleagues that there was some ground for the apprehension that the immediate imposition of this duty at the present moment might involve hardship to some factories which had been recently started. We took the view that the rapid and uncontrolled production under the shelter of the high tariff was unfortunate in many respects, but it was a state of affairs for which Government themselves could not escape complete responsibility. Therefore, we came to the conclusion that although there seemed to be no justification for a reduction in the excise duty proposed by the Government originally, there was a case for postponing the execution of this duty from the first of April to the first of August. That, at least, would give some new factories a completed season without the imposition of the duty and it would give the industry time to make adjustments in preparation for the imposition of the duty in time for next season. There is also another reason which certainly influenced me in coming to this decision and that is that it appeared to be clear from our discussions in the Select Committee and it appears to be still clearer since from information we have received from provinces, that this breathing time would not be altogether unwelcome in Government circles where, I understand, there is some doubt as to whether the machinery is absolutely complete.

The Honourable Sir George Schuster: I do not know on what ground my Honourable friend makes that statement.

Mr. F. E. James: I make that statement on information that I have received.

The Honourable Sir George Schuster: Will my Honourable friend produce his information?

Mr. F. E. James: I do not want to divulge what went on in the Select Committee.

The Honourable Sir George Schuster: Nothing went on in the Select Committee which indicated that Government would welcome a delay in this matter, because their machinery was not ready.

Mr. F. E. James: I did not say that. I simply said that there was information which was available which came out during the discussions in the Select Committee, which indicated that Government were not fully prepared with the rules and the necessary machinery for putting into operation. . . .

The Honourable Sir George Schuster: Nothing of the sort.

Mr. F. E. James: I am bound to accept my Honourable friend's explanation on that point; but I think there were probably other members on the Select Committee who were under the same impression. However, if I am wrong in that, I will accept my Honourable friend's correction. There may be objections advanced, and undoubtedly there will be, to the proposal to postpone the execution of the duty. Perhaps I shall be told that contracts have already been entered into on the basis of the operation of the duty from the 1st April. My answer to that is that such contracts are entered into at ordinary risks and that a consideration of that kind should not necessarily influence our decision in deciding upon the date of the operation of the duty. I shall also perhaps be told that this will involve a certain amount of loss of revenue. My answer to that is: in the first place, it will not involve a very large amount of revenue, because the present season happens to be a short season, and I understand that some factories have already completed their season and most of them will be completed by the end of this month; and it is also expected by some of us that there will be an increase in the revenue beyond that which is estimated by the Government authorities under the imposition of the excise and also under the head of collection of customs duty. I think I ought also to say that I understand that there is a disposition on the part of those, who are representing the manufacturing interests in this House, not to oppose the motion which the Honourable Mr. Hardy is to bring forward at a later stage if Government showed any willingness to accept this particular amendment. Perhaps those who represent the manufacturers will make their own position clear in that regard; but, as far as the interests which we represent in this Group are concerned, I am authorised to state that they will be willing to accept the rate of duty of Rs. 1-5-0 if the operation of that duty were extended to the first of August of this year. I, therefore, sincerely trust that Government will see their way to accept this amendment and make this very small gesture to those factories which have recently been started and which might feel the immediate imposition of the duty somewhat of a hardship under existing circumstances. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in sub-clause (1) of clause 3 of the Bill, for the words 'the 1st day of April' the words 'the 1st day of August' be substituted."

There is an amendment lower down, No. 7, which substitutes the 1st day of May, and Honourable Members who want to move it may also move it, and the discussion will take place simultaneously on both.

Seth Haji Abdoola Haroon: Sir, I have tabled this amendment on different grounds.

Mr. President (The Honourable Sir Shanmukham Chetty): Mr. James' amendment wants the duty to come into operation from the 1st day of August. If the Honourable Member wants the duty to come into operation from the 1st day of May, then he should move his amendment also at this stage, so that discussion will be comprehensive.

Seth Haji Abdoola Haroon: My point is this: that if the amendment of Mr. James fails, then I move for the 1st of May.

Mr. President (The Honourable Sir Shanmukham Chetty): Quite so. That will be the procedure when the voting takes place. Now the discussion can take place on both. Some Honourable Members want the duty to come into effect from the 1st of August and some from the 1st of May. The Honourable Member's position is that if that is defeated, he would move his amendment.

Seth Haji Abdoola Haroon: I do not want to move it now.

Mr. President (The Honourable Sir Shanmukham Chetty): But it will not be allowed to be moved again.

Seth Haji Abdoola Haroon: Then, Sir, I move it: I move:

"That in sub-clause (1) of clause 3 of the Bill, for the words 'the 1st day of April' the words 'the 1st day of May' be substituted.

I do not want to say anything on it at present.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendment moved:

"That in sub-clause (1) of clause 3 of the Bill, for the words 'the 1st day of April' the words 'the 1st day of May' be substituted.

Both these amendments will be discussed together.

Raja Bahadur G. Krishnamachariar: Sir, I oppose both the amendments. I say that the Act should come into force with effect from the first day of April, because, in all fiscal enactments, I understand the proper principle is to impose duties from the beginning of the official year, and you never extend the time. Therefore, there is absolutely no reason as to why, the House having agreed to the levy of excise duty, you should extend the date from the 1st of April to the 1st of May or to the 1st of August. It is against all fiscal principles. People might have entered

into contracts expecting that this duty would come into force from the 1st of April, and such people would be placed at a serious disadvantage if either of these amendments is accepted. Therefore, I say that both the amendments are not proper, and the right and proper thing to do would be to start the operation of this Act with effect from the 1st of April.

Dr. Ziauddin Ahmad: Sir, I was rather surprised at the speech just delivered by my friend, Mr. James. I thought he had forgotten that he was sitting in the Assembly and not in the Select Committee when he offered us a sort of compromise,—“if you accept this, we would accept that”. That may be a good argument in the Select Committee, but not on the floor of this House, because we have to consider each case on its merits, and to advance any argument of a hypothetical nature and say “I accept that provided you accept this” is not at all right. . . .

Mr. F. E. James: Sir, if my Honourable friend will allow me, I should like to point out that I made this amendment in no spirit of bargaining whatsoever. I explained that we were prepared to support the Rs. 1-5-0 excise, and that we all hoped that Government would accept this particular amendment. I made no suggestion of any kind in any bargaining spirit.

Dr. Ziauddin Ahmad: If my friend had brought forward the argument that it is unnecessary to enforce this measure as from the 1st of April on the ground that the year is now closing, that most of the factories have already closed,—because after the 15th of April there is practically no work in any sugar factory,—if he had suggested that there was no object in enforcing this measure for only fifteen days, then there might have been some force in it, because long before the machinery is created, most of the factories will be closed. Therefore, it would be much better that we should create the machinery now and enforce the Act as soon as the sugar factories commence their operations in the next season. At the same time, the argument that I advance against my friend is this. In the case of the Tariff (Amendment) Act, when they levied a duty from the 22nd December, we argued from this side of the House that those commodities, which were already in transit before the Bill was introduced, should be exempted, and my friend, Mr. James, opposed it on that occasion. So I think, in order to be consistent, if he adopts one principle in the case of one commodity, he should adopt the same principle in the case of another commodity also. Therefore, if we are to be consistent, we ought to enforce this measure from the very beginning of 1st April, because if we agreed that it should be imposed from the 1st of April, it should be from the 1st of April,—it should be neither before, nor after. It will be certainly a wrong policy on the part of the Government to change the date now in this particular case. I have already pointed out that if I have any personal interest in any commodity, it is in sugar and sugar alone, except the general economic interest and the interests of the consumers whom I represent. Therefore, the arguments advanced in support of the amendments are not correct. It is an argument which the Government could have considered at the Select Committee stage; if they had brought forward a kind of agreed solution, then probably we might have accepted it. Therefore, in view of the fact that the mills are already closed, to create a new machinery to look into past accounts of some of the factories would be cumbersome and expensive.

Mr. M. Maswood Ahmad: Sir, I support the amendment moved by my friend, Mr. James, though I do not agree with the arguments he has adduced in support of his amendment. Sir, the date which has been mentioned in the Bill, namely, the 1st day of April, greatly affects the North Bihar area, because, as I have already explained to the House, all the sugar has been taken out of the factories and has been kept in big godowns in towns by the factory owners, and thus they have escaped the duty now. But only the unfortunate factory owners who could not get a sufficient number of wagons would suffer by this measure, because they could not send their sugar out of their factories, though the number of such unlucky factory owners is very small. The real fact is that, in Bihar, on account of the recent earthquake, many factories have been destroyed, and so we are not in a position to collect all the sugar-cane that is available in that area. As numerous questions, which have been put on the floor of the House, will show, there was not a sufficient supply of wagons to take the sugar-cane from the affected areas. Therefore, if this tax is enforced from the 1st of April, it will affect particularly those factories in North Bihar. It is not a general tax for the whole of India for all the factories. Therefore, I would request my friends to consider these points, or to tell us what measure they would propose to give relief to the cane growers in the affected area in Bihar, because only canes from that area are being crushed in the factories, as in other parts the sugar-cane season is over. This is a very important point, and I hope the Honourable Sir George Schuster will give his consideration to it.

Mr. T. N. Ramakrishna Reddi: Sir, I also support this amendment for the reason that most of the factories have already completed their work in the present season, and they would have disposed of their stock of sugar by this time, especially when they knew that this measure would take effect from the 1st of April. If, however, there are a few factories still working, they should not suffer on account of the delay in starting their operations. As my friend has stated, in Bihar, on account of the earthquake, a large number of sugar factories have been put out of order, and it would have taken them some time to get them in working order and to commence operations, and such factories ought not to suffer, because those factories, which have escaped the effects of the earthquake, would escape this duty. As the working season is already past, I feel, for the reasons I have given, those few factories, which are now working under some handicaps, should be exempted from this duty.

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): Sir, the cane growers are not going to suffer if the duty were levied from the 1st of April or from the 1st of August. It is quite immaterial to them. The duty will be levied on the factories which will manufacture sugar, and if it is levied from the 1st of April, the cane growers will have a share out of it with which they will be organised on a co-operative basis for which we have got another Bill before us. The recent earthquake has really put most of these people to great trouble, but that trouble is being met by the factories being enabled to work in the affected areas and by sugar-cane being transmitted from one place to another, and that process is going on at a very brisk pace. I know for certain that a good supply of wagons is available in the earthquake-stricken area since Sir Guthrie Russell had been there. He has arranged to pool the resources of all metre gauge

lines in the earthquake area. He has put ten wagons at each railway station where there is a sufficient supply of cane. Therefore, on that ground, my Honourable friends should not have any difficulty, but if there are other difficulties, that is a different matter. I have risen only to explain the situation of the cane growers in that area.

[At this stage, Seth Haji Abdoola Haroon rose to speak.]

Mr. President (The Honourable Sir Shanmukham Chetty): Probably the Honourable Member did not understand. The Honourable Member's point was that he would like to support Mr. James's amendment and if it fell through, he would like 1st of May to be substituted. That is what the Chair wanted him to do and the Chair thought that he did not want to make a speech.

Seth Haji Abdoola Haroon: This is an important point, and I request that I may be allowed to speak on both the amendments. I support Mr. James's amendment. I have already tabled another amendment No. 11 in which I say:

"Provided, further, that sugar factories in North Bihar affected by the earthquake shall be exempted from the duty till 31st August, 1934."

I may inform my Honourable friend, Mr. Maswood Ahmad, that only eight days back, some three or four factories have commenced work after having effected repairs. The Honourable the Finance Member, in his Budget speech, stated that he would consider the matter about the affected area in North Bihar. So, this is the time when Mr. James's amendment should be accepted. Again, many factories have been closed, and, by the 15th or 20th of April, nearly all the factories will have been closed. Most of the sugar produced has been transferred from the factories to some other stations or some other godowns outside in the villages. If this amendment is accepted, neither will the Government lose, nor will the manufacturers have any complaint. The trade has already made some bargains or contracts beforehand and there will be a lot of dispute. Within these three or four months, the market will be settled and all sorts of difficulties will be avoided if the Honourable Member accepts the amendment of Mr. James. In my opinion, this is a very reasonable amendment and must be accepted.

Mr. Jagan Nath Aggarwal: I support the amendment moved by Mr. James that the date for the levy of this duty should be the 1st August. When this Bill was presented to the House, we were at the end of February or the beginning of March, and it was expected that the Bill would be through before the end of March and that normally the duty would be collected from the beginning of April. We are now in the middle of April and this Bill would have to be given retrospective effect, and it is not proper to give a measure, especially a taxing measure, retrospective effect. I have another reason why I say that the operation of this duty should be postponed. Even though the majority recommendation of the Select Committee was not for having the duty from the 1st August, that is a matter for which there was a reason which I may well mention to the House. We expected that, as a matter of compromise, Government would probably accept it—though we gave them a lower duty from the 1st April, they would accept it in a spirit of compromise. But since they have not accepted it, I am afraid I must give my reasons for supporting "1st August".

[Mr. Jagan Nath Aggarwal.]

It is well known to the Government and to the House that many factories have closed earlier this year than usual. This is owing to the earthquake in North Bihar, and also to the fact that cane has not been so plentiful. A good many factories have closed by now. Again, there has been a disease in the cane which has also restricted the utilisation of cane as freely and as fully as it was last year. If that is so, it means that most of the factories have closed, and, as is apparent from the trend of questions proceeding from Mr. Maswood Ahmad, there has been an attempt to put the output of such factories out of the reach of the duty. And Mr. Maswood Ahmad made no secret of it. He complained of the action of the railways. In cases where the produce could be removed without the help of the railways, that has been done, but because in Bihar it could not be done without the help of the railways, and the railways have not been able to supply wagons, the Province is in a difficulty. The effect of this duty would be that those who have been vigilant or rather clever have avoided the incidence of the duty, and others who have been unfortunate enough not to have been able to get wagons, etc., would be hit hard. As a matter of fairness, the measure must apply equally to all. This is a measure of justice and equity, and it should not be given retrospective effect, and it should be from the first of August. Why I take the "1st August" is that it will be the close of one season, and perhaps not the exact beginning of another, but it will rope in all those who may antedate their operations for the next season, because the sugar-cane season is finished about the end of April, and, during this period, no large manufacture of sugar will go on. Mr. James mentioned one particular point that probably "1st August" would be acceptable to Government as the inspectorate is not ready. That point was contradicted by the Finance Member. Perhaps the Finance Member had mentioned it at one stage that their own inspectors were out. What kind of inspectorate was out? I have an idea of it from a letter from a friend of mine in Bombay. The gentleman writes:

"In the Bombay Presidency, the Bombay Government have sent three constables with a head constable and an excise inspector to stay at each of the factories. These excise inspectors expect that all the weighing should take place only in their presence and deliveries also will be checked. Any sugar made while they were not present is to be re-weighed. These officers are expected to be housed by the factory owners. The whole procedure seems to be not only inconvenient, but very humiliating."

If this is the kind of arrangement contemplated by the inspectorate, consisting of policemen and excise inspectors, then it is time that Government looked into the matter carefully and put their arrangements on a more satisfactory footing.

Mr. N. M. Joshi: Who else can collect the excise duty?

Mr. Jagan Nath Aggarwal: I am surprised at Mr. Joshi. He has had experience of the excise duty on cotton. He knows how the excise people for that duty trusted the factory accounts and only paid surprise visits and subjected these people to no humiliating treatment. Here you quarter a dozen policemen and a head constable and an excise inspector who come in as your guests over night and your masters by day. That is a proposition which, I submit, no decent man, not even labour, can tolerate. After all, there is such a thing as decency in the world.

Mr. Gaya Prasad Singh: Do they stay as their guests?

Mr. Jagan Nath Aggarwal: My friend, Mr. Gaya Prasad Singh, has been so long away from Bihar that he does not know what is happening. Mr. Gaya Prasad Singh knows very well that if these people pay these visits, they have no other place to go to and they will naturally depend on the hospitality of these factory owners.

Then, there is another matter which I should like to mention in this connection, and I hope I am not revealing any secret of the Select Committee. Although there are 600 *khandsari* factories, we have no data as to how many could come under the definition of factories and it was revealed somewhere in the Select Committee's Report that the inspectorate in the United Provinces was either inefficient or so undermanned that they could not get more than 55 of these concerns registered. There are 300 of them in the Bareilly town alone, and 600 of them in one Division. The inspectorate is not ready to cope with the work that will be put upon their shoulders, and if my friend, Mr. James' amendment is accepted, it will give time to the Government to appoint a better staff of inspectors. I think this is a very fair proposal to which no objection could be taken. It will give people all round the breathing time that they require, and I do trust that Government will accept this amendment to collect the duty from the 1st of August.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): As I understood the attitude of the Government in the Select Committee, they were for accepting an amendment like this as has been proposed by Mr. James; but when they subsequently found the Select Committee accepting a lower rate of duty than Rs. 1-5-0, they changed their mind.

The Honourable Sir George Schuster: My Honourable friend is not entitled to disclose the discussions in the Select Committee, but I would say that he is not giving the House a very fair account of the situation.

Mr. S. C. Mitra: I am giving an absolutely correct version of what happened. I challenge the Finance Member to say whether I am incorrect. He can put up a better explanation if he meant it otherwise. We, in the Select Committee, so far as some of the elected Members are concerned, thought that Government were agreeable to accept the first of August as the date for the operation of this Bill, but when subsequently the Committee, by a vast majority, turned down the rate from Rs. 1-5-0 to one rupee, they suddenly changed their opinion. My argument now is this. They are now convinced that they will carry the other amendment that has been tabled by Mr. Hardy to raise the rate to the original rate in the Bill. So I like to understand whether Government are resiling from their former position. If they got the rate which they originally proposed, namely, Rs. 1-5-0, would they still insist on the operation of the Bill from the 1st of April? What is the new ground that has arisen during these few days for changing the attitude to which the Government were committed in the Select Committee. If in anger a responsible Government changes their views, because the Select Committee, in the best interests of the country, thought of reducing the duty, it lies heavily on the Government to show what are the new grounds on which they can support their present altered attitude. I support the amendment of Mr. James, because I know that Government will carry the other amendment about the high rate.

The Honourable Sir George Schuster: I am not going to follow my Honourable friend who has just spoken in discussing what happened in the Select Committee. The only thing I wish to say is this, that Government attitude in these matters is neither dictated by temper nor by manoeuvre. If we take a line in these things, it is because on consideration we think it is the right line. In this case—and I admit that this is one of the amendments which is most open to argument—but in this particular case we definitely think there is no reason for postponing the date as has been proposed. One of my Honourable friends, who has spoken, referred to the special circumstances of factories in Bihar that might have been seriously upset in their operations owing to the recent earthquake. It was a point that was raised in the general discussion. Our attitude on that matter is this. We have not received any carefully made out cases for special assistance of factories that have been affected by the earthquake. We have only heard general talk. I have had no application saying that a particular factory has been unable to get its sugar away, because of lack of trucks, a lack which was due to the fact that it was situated in the earthquake area. If there are any really hard cases of that kind and they are put up to us by the Government of Bihar and Orissa, we shall be perfectly prepared to consider them, and we have power in the Bill to make special exemptions in those cases; but they must be well established cases of damage suffered as a result of the earthquake, and I would repeat again that they must be put up to us with the recommendation of the Government of Bihar and Orissa. Then, my Honourable friend, Mr. Jagan Nath Aggarwal, objected to the present position, because, if this measure were passed now, it would give retrospective effect to it if we collected the duty from the 1st of April. I would remind my Honourable friend that this is a condition which exists in connection with the Finance Bill every year. The Finance Bill is never passed until towards the end of March, but if there are any new taxes, they are generally given effect to from the date that the Budget is introduced, and this is an exact parallel to what is happening now. There is no difficulty as regards the collection of this duty from the 1st of April, and when my friend complains of a case in Bombay, where an excise officer was sent down to look into the matter, I would like to know from him what sort of agency he would have to collect an excise duty except an excise officer.

Mr. Jagan Nath Aggarwal: You cannot send a head constable and a dozen constables also.

The Honourable Sir George Schuster: The excise officer was the best judge of whom he wanted to accompany him.

There is another point that I want to make. I do not want to over-stress it, but I should like the House to realise that there are two sides to this question. Since our proposals were introduced on the 27th February, as far as I can understand, trading transactions have been conducted on the basis of the imposition of this duty. Honourable Members in the House, I know, have received a great number of telegrams from one side or the other on the whole of this Excise Bill, and here is a telegram which I have had from what I have ascertained to be a very substantial firm of merchants in Cawnpore:

"Understand Select Committee recommended reduce sugar duty to one rupee and period 1st August next"

—they were wrong, of course, in the latter point—

“We strongly object and protest as it is totally ruinous to sugar business causing heavy loss to merchants. Sugar mills, in spite of making huge profits, have sold heavy lots forward delivery including duty after your proposal on 27th February. Now, if duty abolished or reduced or period extended, mills will be doubly-profitd.”

—I suppose they mean mills will get double profit—

“While merchants will suffer heavily. Also Government lose accordingly. Therefore, requested not reduce duty nor extend period. (Duty) must be levied from 1st April to meet ends justice.”

Well, Sir, I have merely put that forward as illustrating that there are two sides to the question. There is no doubt—and that is a point which has been lost sight of in this debate when we have considered what the position of the sugar manufacturer in future is going to be, that there is no doubt that on the announcement of the excise duty, the general market price for sugar was put up, and the question is—to what extent will the manufacturers be able to put on the public the burden of this excise duty? I do not suggest for a moment that they will be able to put on the whole of that on the consumer. The period, of course, has been short; but the facts, so far as I have been able to ascertain them from a very close watching of prices over the last few weeks, seem to be that a certain proportion of the excise duty has now been added to the selling price. I will mention one very interesting fact. Possibly it may not be sufficient to be conclusive, but I find from recent quotations from Cawnpore that the one class of sugar which has shown a drop recently is *khandsari* sugar, and that showed a drop of eight annas on the 12th April. The Select Committee's Report was signed on the 10th April. and it looks to me as if the knowledge that the Select Committee had reduced the duty on *khandsari* sugar by eleven annas had had a definite effect on the market price of *khandsari* sugar.

Now, all these points must be taken into account. It is not entirely a one-sided matter, as some speakers seem to think, and
 6 P. M. there is, of course, an important consideration on the other side as well, apart from the question of the position of merchants to which I have already referred, and that is the Government's position as regards revenue. It is difficult to calculate exactly what an amendment of this kind would mean to us; but, so far as we can make out, it would amount to a loss to us of something like Rs. 18 lakhs or 20 lakhs. That is a loss which we do not wish to face, and on all these considerations—on the merits of the case, and not, as I would ask my friend, Mr. Mitra, to believe, in any spirit of temper, or in any desire to abuse our position if we have a position in which we command a majority in this House—on the merits of the case, we definitely feel that it would be better to stick to the original date as proposed in the original Bill. Therefore, Sir, I regret I must oppose this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That in sub-clause (2) of clause 3 of the Bill, for the words ‘the 1st day of April’ the words ‘the 1st day of August’ be substituted.”



The Assembly divided :

AYES—34.

Abdoola Haroon, Seth Haji.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Bhuput Sing, Mr.
Chinoy, Mr. Rahimtoola M.
Das, Mr. B.
Gunjal, Mr. N. R.
Hari Raj Swarup, Lala.
Hudson, Sir Leslie.
James, Mr. F. E.
Jog, Mr. S. G.
Lindsay, Sir Darcy.
Mahapatra, Mr. Sitakanta.
Maswood Ahmad, Mr. M.
Millar, Mr. E. S.
Mitra, Mr. S. C.
Mody, Mr. H. P.

Morgan, Mr. G.
Mudaliar, Diwan Bahadur A.
Ramaswami.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Pandit, Rao Bahadur S. R.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Scott, Mr. J. Ramsay.
Sen, Pandit Satyendra Nath.
Singh, Kumar Gupteshwar Prasad.
Sohan Singh, Sirdar.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.

NOES—51.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph
Brij Kishore, Rai Bahadur Lala.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Cox, Mr. A. R.
Dalal, Dr. R. D.
Darwin, Mr. J. H.
Fazal Haq Piracha, Khan Sahib Shaikh.
Ghuznavi, Mr. A. H.
Graham, Sir Lancelet.
Grantham, Mr. S. G.
Haig, The Honourable Sir Harry.
Hardy, Mr. G. S.
Hezlett, Mr. J.
Irwin, Mr. C. J.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Joshi, Mr. N. M.
Krishnamachariar, Raja Bahadur G.
Macmillan, Mr. A. M.
Metcalf, Mr. H. A. F.

Mitchell, Mr. K. G.
Mitter, The Honourable Sir
Brojendra.
Muazzam Sahib Bahadur, Mr.
Muhammad.
Mujumdar, Sardar G. N.
Mukharji, Mr. D. N.
Mukherjee, Rai Bahadur S. C.
Nihal Singh, Sardar.
Noyce, The Honourable Sir Frank.
Rajah, Rao Bahadur M. C.
Ramakrishna, Mr. V.
Rastogi, Mr. Badri Lal.
Rao, Mr. P. R.
Sarma, Mr. G. K. S.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Shafee Daoodi, Maulvi Muhammad.
Sher Muhammad Khan Gakhar,
Captain.
Singh, Mr. Pradyumna Prashad.
Sloan, Mr. T.
Suhrawardy, Sir Abdullah-al-Māmūn.
Talib Mehdi Khan, Nawab Major
Malik.
Tottenham, Mr. G. R. F.
Yakub, Sir Muhammad.
Ziauddin Ahmad, Dr.

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (1) of clause 3 of the Bill, for the words 'the 1st day of April' the words 'the 1st day of May' be substituted."

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 18th April, 1934.

LEGISLATIVE ASSEMBLY.

Wednesday, 18th April, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

Lieut.-Colonel Alexander James Hutchison Russell, C.B.E., M.L.A., (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

WORKING DAYS AS COMPARED WITH HOLIDAYS IN THE CALCUTTA HIGH COURT.

767. *Mr. S. C. Mitra: (a) Is it a fact that the High Court of Calcutta remains closed for more days than it is open?

(b) Will Government please state the number of days the Calcutta High Court remained closed during the years 1932 and 1933, and the programme of work during the year 1934 according to the holiday list?

(c) Is it a fact that the Calcutta High Court does not sit on Saturdays to do court work? If so, why?

(d) Will Government please state the nature of work the Judges perform on Saturdays, and for how many hours?

(e) Is it a fact that some of the Judges devote themselves to non-judicial work during the other working days of the High Court? If so, how often and how much time is ordinarily spent on such work?

(f) Is there any fixed hours for Court work in the Calcutta High Court? Is it necessary for the Puisne Judges to consult the Chief Justice if they want to come late or go earlier than usual hours?

(g) Does the present Acting Chief Justice of the Calcutta High Court sit on the Bench on all the working days and for the same time as the other Judges?

The Honourable Sir Harry Haig: The Honourable Member's question relates to the internal administration of the Court. That administration has been vested by the Government of India Act, the Letters Patent, and legislation in India in the Court as a whole and in the Chief Justice in particular. Information on some of the points is available to the Honourable Member in the High Court Rules and the list of holidays, and Government do not consider that any public purpose would be served by obtaining the other information for which he asks.

Mr. S. C. Mitra: It is for you, Sir, to decide whether any public purpose would be served by obtaining the further information I have asked for. When I put the question and when it has been admitted by you, Sir, it is not for the Honourable the Home Member to give a ruling that public purpose would not be served. As far as part (a) is concerned, my question is "Is it a fact that the High Court of Calcutta remains closed for more days than it is open?" I do not understand what internal administration is involved in this part of the question and I would ask the Honourable Member to please explain this point.

The Honourable Sir Harry Haig: It is entirely a matter for the decision of the High Court as to the length of its vacation and the number of holidays.

Mr. S. C. Mitra: I merely wanted to know the information as to how many days the High Court remained closed, and the High Court being under the control of the Home Department they can easily supply this information.

The Honourable Sir Harry Haig: I have referred the Honourable Member to the list of holidays.

Mr. K. C. Neogy: Is not the High Court of Calcutta under the administrative control of the Government of India?

The Honourable Sir Harry Haig: It is in general under the control of the Government of India, but as I have said, the internal administration is vested by the law in the Court itself.

Sir Abdur Rahim: Is it the position of the Government that the High Court Judges may choose to sit as many days as they like or as few days as they like, and that the Government are helpless in the matter?

The Honourable Sir Harry Haig: I do not say that the Government of India are helpless in the matter. In fact, these questions were gone into, I suppose about ten years ago, by a special Committee which was appointed and considered the whole question very carefully, and such action as was considered suitable was taken in consultation with the High Court. My position is that I do not think that the Government at the present moment can take any further action effectively. All the points raised by my Honourable friend, Mr. Mitra, are very well known and have already been considered. But if it will satisfy my Honourable friend, I shall be very glad to forward a copy of his question and these answers to the High Court.

Mr. K. C. Neogy: Do I take it that the Honourable Member was referring to the Retrenchment Committee which was appointed in 1923 to go into questions relating to the Calcutta High Court and to make recommendations?

The Honourable Sir Harry Haig: Yes, Sir. That was it.

Mr. K. C. Neogy: Did Government have anything to do with this report?

The Honourable Sir Harry Haig: Yes, Sir. The Government had correspondence with the High Court on those conclusions subsequently.

Mr. K. O. Neogy: Are we not entitled to know as to the reason why Government have not given effect to certain recommendations of that Committee which would have led to economy in expenditure?

The Honourable Sir Harry Haig: I am afraid I am not acquainted with all the detailed recommendations of that Committee, but I understand that it submitted a long report. The matter is some ten years old, and I think I am right in saying that the recommendations were carefully considered in consultation with the High Court, and such recommendations as the Government of India considered reasonable to be adopted were adopted.

Sir Abdur Rahim: The Government, I believe, have rules as regards public servants, including the Members of the Executive Council, that so much leave should be allowed and so much furlough and all that, and, apart from that, no officer is entitled to absent himself from his duty. Does a different rule apply to the High Court Judges? That is the real position and I should like the Honourable Member to clear it up.

The Honourable Sir Harry Haig: My Honourable friend is apparently referring to the Court holidays. As I have already said, the determination of the Court holidays and the vacation, not only in the Calcutta High Court, but in all the High Courts in India, is left to the decision of the Courts themselves.

Sir Abdur Rahim: There are limits to that. Does the Honourable Member mean to say that the Government leave it entirely to the High Court to lay down what the length of any particular holidays or vacation should be? Is it left entirely to the discretion of the High Court?

The Honourable Sir Harry Haig: If the High Courts take any unreasonable action—and I do not think there are any grounds to suppose they would—the Government of India would certainly look into the matter. But I should like to clear up any misapprehension there may be on this subject. The duration of the vacation, as far as I know, has remained practically the same for many years, and I do not think that my Honourable friend will find that the vacation in Calcutta differs in its duration appreciably from the vacation in the other High Court of India.

Mr. K. O. Neogy: Is it not a fact that the Retrenchment Committee of 1923 suggested that there should be a larger output of work by the High Court, and further that the Court should sit on Saturdays on the Original Side to deal with *ex parte* cases and unopposed motions?

The Honourable Sir Harry Haig: That was certainly a question that was taken up very carefully between the Government of India and the High Court, and it was decided at that time that the High Court had given convincing reasons for not sitting on Saturdays.

Mr. K. O. Neogy: Is it not a fact that one other recommendation of that Committee was that the number of holidays should be curtailed?

The Honourable Sir Harry Haig: I am afraid I am not fully acquainted with the recommendations of the Committee, and if the Honourable Member wants detailed information on the subject, I should be glad if he puts down a separate question.

Mr. K. C. Neogy: Is it not a fact that the present Acting Chief Justice does not come to the Court on Wednesdays, but remains at home on the plea of doing office work?

The Honourable Sir Harry Haig: I am not aware of the internal working of the High Court, but, I am sure, the Honourable Member must be aware that there is a considerable amount of administrative work in the Calcutta High Court, and I am informed that that has grown considerably. I think in 1926 the High Court pointed out that the administrative work falling on the Chief Justice was very heavy and had grown considerably.

Mr. K. C. Neogy: Is the Honourable Member also aware of the fact that apart from being absent from Court on Wednesdays, the present Acting Chief Justice has entrusted certain administrative work pertaining to the Appellate Side to a Senior Judge of the High Court in an informal manner?

The Honourable Sir Harry Haig: As I have already explained to the House, the Government of India do not conceive that it is their duty to look into details of that kind.

Mr. K. C. Neogy: Supposing the idiosyncrasies of certain individual Judges or the Chief Justice amount to a scandal, do I take it that even then the Government of India are not prepared to take any notice?

The Honourable Sir Harry Haig: I do not suppose that my Honourable friend would commit himself to such a serious statement as that anything that the High Court Judges do, amounts to a scandal.

Mr. K. C. Neogy: Will the Honourable Member enquire from the Bar Association, Calcutta High Court, and the Bar Library Association about this matter, and may I also expect my Honourable friend to refer to the proceedings of the Bengal Legislative Council where some of these matters were referred to recently?

The Honourable Sir Harry Haig: I am not prepared to make any further enquiry. I have already said that I am prepared to forward a copy of these questions and answers to the Calcutta High Court.

Mr. K. C. Neogy: Does the Honourable Member like that these matters should be ventilated in the Press and unpleasant matters brought to the public notice which might lead to very undesirable results so far as the prestige of the High Court is concerned?

The Honourable Sir Harry Haig: I am afraid, I have not followed the purport of my Honourable friend's question.

Mr. K. C. Neogy: That is the only alternative that the Honourable Member has left to the public.

The Honourable Sir Harry Haig: My Honourable friend is ventilating these questions: I do not know what action he suggests that I should take in order to prevent him from asking these questions.

Mr. Jagan Nath Aggarwal: With regard to clause (f), the question suggests that there are no fixed hours in the Calcutta High Court and that the Judges do not observe any punctuality in their hours of attendance? Is it not a matter of public interest which should be inquired into by Government?

The Honourable Sir Harry Haig: I have no doubt that the Court have fixed their hours for work and that these are well known to the people concerned.

WORK OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY DONE IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

768. *Mr. M. Maswood Ahmad: (a) Is it a fact that in the Railway Clearing Accounts Office, the work of the Bombay, Baroda and Central India Railway is done by more clerks than is justified by the quota of expenses which that Railway contributes? If so, will Government please state why that Railway pays less when its work is more than what it pays for?

(b) Is the work of this Railway being done at the expense of other State Railways? If so, why is not the Railway asked to pay more?

(c) Do Government propose to ask the Bombay, Baroda and Central India Railway Company to pay their quota according to their work done in the Railway Clearing Accounts Office? If not, why not?

Mr. P. R. Rau: (a), (b) and (c). The whole question of the volume of work in respect of foreign traffic relating to the Bombay, Baroda and Central India Railway, as well as the contribution payable by that railway, is at present under investigation.

PENALTY ON OFFICIAL LETTERS POSTED WITHOUT STAMPS.

769. *Mr. M. Maswood Ahmad: Will Government please state whether any penalty is realised on official letters posted, without stamps, i.e., on which postage is not pre-paid, from the addressees at the time of the delivery of those unpaid official letters? If not, why not?

The Honourable Sir Frank Noyce: No. The reason is that in some cases it is not considered advisable to entrust postage stamps to a subordinate official, who has to correspond with, or to send returns to, a superior while in others it is convenient or proper to make the postage charge full on the receiving office.

EXPORT DUTY ON SKINS.

770. *Mr. M. Maswood Ahmad: (a) Is it a fact that the Fiscal Commission recommended the examination by the Tariff Board of the question of export duty on skins?

(b) Did Government refer the matter to the Tariff Board?

(c) If the answer to part (b) above be in the negative, when do they propose to refer the matter to the Tariff Board?

The Honourable Sir Joseph Bhoré: (a) Yes, Sir.

(b) No, Sir.

(c) Government do not of their own motion propose to refer the matter to the Tariff Board.

Mr. M. Maswood Ahmad: Will Government be pleased to state the reasons why they are not prepared to refer this matter to the Tariff Board when it was recommended by the Fiscal Commission?

The Honourable Sir Joseph Bhoré: Because, Sir, they do not think that a *prima facie* case exists at present for such reference.

MEETING OF THE RICE CONFERENCE OF THE DIFFERENT PARTIES OF THE LEGISLATIVE ASSEMBLY.

771. ***Mr. M. Maswood Ahmad:** Will Government please state when the second sitting of the informal Rice Conference of the different Parties of this House is likely to take place?

Mr. G. S. Bajpai: Government do not consider another informal conference to be necessary.

Mr. E. S. Millar: Are Government aware that the exports of Siam rice from the 1st January, 1934, to the 22nd March, 1934, to Ceylon totalled 7,794 tons and to India 62,193 tons and that the exports to India from the 1st January, 1934, to the 22nd March this year are practically the same as for the whole of last year?

Mr. G. S. Bajpai: According to the figures which are available to me, the exports from Siam to India from January to March are 54,000 tons and not 62,000 tons.

Mr. E. S. Millar: The figures I have quoted are taken from the export figures of the Siamese Government.

Mr. G. S. Bajpai: It is possible that they include shipments of rice, which were shipped in March, but have not yet reached India.

Mr. F. E. James: May I ask whether Government have received any reply from the Secretary of State with regard to the reference which the Honourable Member stated had been made to him recently?

Mr. G. S. Bajpai: We have received a communication from him, but that is in reply to a reminder from us asking him for the negotiations to be expedited, and the information that he has communicated to us is that His Majesty's representatives both in Paris and Bangkok have been requested to do their best and let us have their replies.

Mr. M. Maswood Ahmad: Will Government be pleased to let us have the replies from the representatives of the Siamese Government about the import of rice?

Mr. G. S. Bajpai: I shall state the result as soon as it becomes available to me.

MEETING OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

772. *Mr. M. Maswood Ahmad: In view of their promises to bring forward certain important matters before the Central Advisory Council for Railways, do Government propose to convene a meeting of that body before their move to Simla this year?

The Honourable Sir Joseph Bhoré: It will be highly inconvenient to convene a meeting before the end of the Session. Government hope that it will meet the convenience of all members of the Council if a meeting is held just before the next Session. It is the intention of Government if necessary, to have another meeting about the end of that Session.

IMPROVING AND INCREASING THE BREED OF HORSES IN INDIA.

773. *Sir Darcy Lindsay: (a) With reference to the replies given to questions Nos. 76—78 in the Council of State on the 12th March last, will Government be pleased to state what further action they propose to take towards improving and increasing the breed of horses in India and the further encouragement of breeders in all suitable areas throughout the country?

(b) Are Government prepared to consider favourably the appointment of an expert committee to again examine the position, the previous investigation having been as far back as in 1900-01?

(c) With the information available to Government, are they aware of any reason, climatic or otherwise, why horse breeding on a large scale can not be equally as successful in India as it is in South Africa?

(d) Are Government aware of the value of the work undertaken by the National Horse Breeding and Show Society of India, of which His Excellency the Viceroy is Patron-in-Chief, in their efforts to expand the production of horses to meet general requirements? If so, are they prepared to arrange to restore to the society the small annual grant that was discontinued in 1932 due to great financial stringency?

Mr. G. S. Bajpai: (a), (c) and (d). I would invite the Honourable Member's attention to the replies given by me in this House, on the 14th instant, to Lieutenant Nawab Muhammad Ibrahim Ali Khan's questions Nos. 703 and 704.

(b) Government do not consider that the action suggested by the Honourable Member is called for.

PROMOTION OF THE ROUTINE CLERKS OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

774. *Maulvi Muhammad Shafee Daoodi: (a) Is it a fact that the present rules provide for the filling up of only five per cent of the new appointments in the clerical grade from among the routine clerks of the Railway Clearing Accounts Office, Delhi?

(b) If so, are the rules intended to mean that the routine clerks are to be confined to the grade in which they were appointed?

(c) Are Government aware that such rules mean a great hardship on those men who were appointed as routine clerks?

(d) Are Government aware that about two hundred young men are involved in this difficulty, about half of whom are matriculates?

(e) Is it a fact that representations of the routine clerks on this point have been duly forwarded by the Director, Railway Clearing Accounts Office, Delhi, to the Financial Commissioner of Railways for consideration? If so, what action has the latter taken on their representation?

(f) Are Government prepared to consider the cases of deserving routine clerks for promotion to the clerical grade without any reference to the five per cent. rule mentioned above?

Mr. P. R. Rau: (a), (b) and (c). I would refer my Honourable friend to the reply I gave on the 3rd April, 1934, to clauses (e), (f) and (h) of unstarred question No. 282, asked by Mr. S. G. Jog.

(d) There are about 110 punchers, sorters, distributors, etc. (Substantive or officiating) and 70 of them are matriculates.

(e) and (f). I would refer my Honourable friend to the reply I gave on the 3rd April, 1934, to clauses (a) and (d) of unstarred question No. 283, asked by Mr. S. G. Jog.

ALLEGATIONS AGAINST THE SUPERINTENDENT OF POST OFFICES, HAZARIBAGH DIVISION.

775. ***Mr. D. K. Lahiri Chaudhury:** (a) Has the attention of Government been drawn to a complaint against Mr. S. A. Majeed, Superintendent of Post Offices, Hazaribagh Division, published in the March 1934 issue of the *Labour*?

(b) Is it a fact that he has retained one of the two reserve signallers of his Division in his office?

(c) Is it a fact that he has retained a cash postman of the Hazaribagh post office for his personal service?

(d) Is it a fact that he has used post office bags for carrying coal from Swriga?

(e) Are Government prepared to enquire about the allegations made in the complaint and inform this House of the result?

(f) How long has Mr. Majeed been holding the charge of that Division?

The Honourable Sir Frank Noyce: (a) Government have seen the article in question.

(b), (c) and (d). Government have no information.

(e) No. Government are not prepared to take action on anonymous communications.

(f) Since 1st November, 1932.

UNSTARRED QUESTIONS AND ANSWERS.

ALLOWANCES PAID TO THE SUPERINTENDENTS OF POST OFFICES.

383. Mr. S. G. Jog: (a) Will Government be pleased to state for the information of this House, the rate of the travelling allowance allowed to the Superintendent of Post Offices on tour to inspect the Post Offices?

(b) Will Government be pleased to state whether it is a fact that the travelling* and halting allowances paid to the Superintendent of Post Offices are to meet their expenses incurred in connection with their tour?

(c) If the answer to part (b) be in the affirmative, are Government aware that the officiating Superintendent of Post Offices, Bareilly Division compels the Post Masters and Sub-Post Masters of that Division to invite him to put up with them, free of lodging and boarding charges, when on tour to inspect Post Offices?

(d) Are Government aware that, and if not, do they propose to enquire whether there is a great sensation prevailing among the Sub-Post Masters of that Division who do not invite the Superintendent of Post Offices of the said Division to put up with them free of charge and as a result of which they are abused and troubled in many ways, *viz.*, transfers and super-session?

The Honourable Sir Frank Noyce: (a) The rate of travelling allowance of a Superintendent of Post Offices is ordinarily that admissible to an officer of the second grade referred to in rule 17 (b) of the Supplementary Rules. He is entitled to draw mileage allowance for journeys by rail under rule 36 of the said rules and daily allowance up to a maximum of Rs. 4 as sanctioned in the Finance Department Resolution, dated the 9th November, 1933, published in the Gazette of India, dated the 11th November, 1933.

(b) Yes.

(c) and (d). Government have no information, but the Head of the Circle concerned is competent to deal with the matters referred to by the Honourable Member and a copy of this question is being sent to that officer.

STOPPAGE OF RETRENCHMENT OF SIKHS IN THE PUNJAB POSTAL CIRCLE.

384. Sardar Sant Singh: (a) Are Government aware that the Postal authority in the Punjab Circle in carrying out the orders issued by the Finance Department, Government of India, have been retrenching their officials according to seniority and not according to the principle that first of all most junior, then inefficient and undesirable, and lastly those who have put in full service should be retrenched? If so, why?

(b) Are Government also aware that in the Postal and Railway Mail Service Punjab Circle many senior men are being retrenched in preference to inefficient and undesirable clerks? If so, why?

(c) Are Government further aware that the Sikhs who have not yet completed their service and who have got their good record of service, are being retrenched in preference to those who have completed their service or those who are inefficient? If so, on what grounds?

(d) Are Government further aware that the Sikh representation in the Punjab and North-West Frontier Postal and Railway Mail Service Circle is very negligible and far below the required ratio?

(e) Are Government prepared to order the stoppage of the retrenchment of the Sikhs and also to recruit more Sikhs in all future vacancies in the Punjab and North-West Frontier Postal Circle until the due share is obtained by the Sikh minority? If not, why not?

The Honourable Sir Frank Noyce: (a) and (c). The Honourable Member is referred to the reply given to parts (a) and (c) of his own starred question No. 549 in this House on the 27th March, 1934.

(b) No.

(d) The reply to the first part is in the negative. As regards the second part, no ratio for the representation of Sikhs or any other community in the service has been prescribed.

(e) The reply is in the negative. In this connection, the Honourable Member is referred to the replies given in this House to his own starred questions Nos. 1067 to 1069 on the 30th March, 1932, and to Seth Haji Abdoola Haroon's starred question No. 365 on the 20th February, 1933.

THEFT OF ELECTRIC CURRENT BY GOVERNMENT SERVANTS IN NEW DELHI.

385. Sardar Sant Singh: (a) Will Government please state what procedure is adopted in dealing with Government servants against whom a report is received from a Municipal Committee or some private bodies for an alleged theft of electric current or some other article?

(b) Has there been any case under the Government of India, and particularly the Central Public Works Department, since January, 1932, where Government suspended and ultimately dismissed their employee on a charge preferred by a Municipal Committee? If so, what were the circumstances of such case and why was such an action taken by Government?

(c) Is it obligatory upon Government to dismiss their employee even when the alleged charge of theft of electricity or some other article, brought forward by a Municipal Committee or private body, falls through and particularly when the police enquiries show that there was no truth in the case?

(d) Will Government please state if any case or cases have occurred wherein Government have dismissed their employees, permanent or temporary, on the report of the New Delhi Municipal Committee, for the alleged theft of electric energy since the year 1932?

(e) Was such a case or cases reported to the police for investigation? If so, what were the results of the police enquiry?

(f) Were the accused in such cases *challanned* by the police? If *challanned* what punishments were inflicted by the trying courts in each case?

(g) If the case or cases were not *challanned*, why did Government institute a departmental enquiry and then dismiss the official?

(h) Is it a fact that the head of the Department himself happened to be the President of the New Delhi Municipal Committee, and that in that capacity he first reported the matter to the police, and as nothing was established against the officials in that way, he got rid of the officials as they happened to be his subordinates?

The Honourable Sir Frank Noyce: (a) 'The procedure ordinarily adopted is indicated in the Code of Criminal Procedure, 1898.

(b) One case has occurred since January, 1932, in which a Government servant was suspended and ultimately removed from service on a charge preferred* by a Municipal Committee. The Government servant belonged to the Central Public Works Department. The circumstances were as follows:

The Government servant was a temporary electrical subordinate occupying Government quarters in New Delhi. In June, 1932, it was reported by a Meter Inspector, that he had stolen electric energy, and he later admitted to the Electrical Engineer of the New Delhi Municipal Committee, that he had done so. The case was reported to the police, but before the investigation began the traces of the offence had been removed, and the police considered that the case should not be taken to court.

In September, 1932, the acting President of the Municipal Committee reported the case to the Chief Engineer, and expressed the opinion that there was sufficient evidence to support a charge against the offender.

The Chief Engineer, accordingly, suspended him and after a regular enquiry ordered his removal from service with effect from the 28th February, 1933.

The Chief Engineer's action was justified by the consideration that a Government servant, who has committed a theft, is not fit to be retained in service.

(c) No.

(d), (e) and (f). The only case is that dealt with in the reply to part (b) above.

(g) I would remind the Honourable Member that Government is not bound to retain a dishonest employee in service, and that the man concerned in this case was an Electrical Subordinate, a fact which aggravates his offence.

(h) No. The acting President, when the theft occurred, was Mr. Russell. The Subordinate was suspended by Mr. Brobner, who also ordered the departmental enquiry. Final orders were passed by Mr. Jones.

SUPERVISORS AND CLERKS IN THE SAVINGS BANK DEPARTMENTS OF THE DELHI AND HOWRAH POST OFFICES.

386. Mr. D. K. Lahiri Chaudhury: Will Government be pleased to state the number of (i) selection grade supervisors, and (ii) clerks, in the Savings Bank Departments of the Delhi Post Office and of Howrah Post Office?

The Honourable Sir Frank Noyce: In the Savings Bank Department of the Delhi Head Post Office, there is one selection grade supervisor and the number of clerks is seven. As regards the Howrah Head Post Office, there is no selection grade supervisor in the Savings Bank Department, and the number of clerks in that Department is five.

INCOME AND EXPENDITURE OF CERTAIN POST OFFICES.

387. Mr. D. K. Lahiri Chaudhury: Will Government be pleased to furnish a statement showing the income and expenditure of the following post offices:

Mal, Nagrakata, Dinbazar, Barjuli, Mekliganj, Oating, Imphal Solanghat, Killa Abdulla, Killa Saifulla, Mekhter, Chaman, Landikotal and Landikhana?

The Honourable Sir Frank Noyce: Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour.

COMMUNAL COMPOSITION OF MEN CONFIRMED IN THE RAILWAY CLEARING ACCOUNTS OFFICE.

388. Mr. M. Maswood Ahmad: Will Government please state the total number of men by communities confirmed in the Railway Clearing Accounts Office from 1st January, 1933, to 29th March, 1934?

Mr. P. R. Rau: I understand that 22 temporary men were confirmed in the Railway Clearing Accounts Office between the 1st January, 1933, and 29th March, 1934, of whom 18 were Hindus, three Muslims and 1 Anglo-Indian and that five vacancies for recruitment from minority communities have been left unfilled.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"I am directed to inform you that the Council of State has, at its meeting held on the 17th April, 1934, agreed without any amendments to the Bill passed by the Legislative Assembly at its meeting held on the 11th April, 1934, to protect the Administrations of States in India which are under the suzerainty of His Majesty from activities which tend to subvert, or to excite disaffection towards, or to obstruct such Administration."

THE SUGAR (EXCISE DUTY) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the Sugar (Excise Duty) Bill—clause 3.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be added:

'Provided that the surcharge of Rs. 1-13-0 per maund shall henceforth become a countervailing import duty'."

Sir, the Select Committee has already approved of this principle, and, in paragraph 2 of the majority report, they have clearly stated that the surcharge

"Should become merged in the import duty and no longer be regarded as a temporary emergency addition, and also that if any proposals are made for the reduction of the existing rate of import duty the Legislature should be given an opportunity simultaneously to review the excise duty."

Again, in the minority minute of dissent, in paragraph 4, they have again stated:

"We consider that Government should be under an obligation not to do anything without the approval of the Legislature to vary their declared policy of maintaining the difference between the import and excise duties at the level recommended by the Tariff Board."

Sir, Government have clearly admitted that they should keep up the duty at the figure which is given by the Tariff Board, and I am only asking that this clause should be embodied in the Bill itself instead of allowing it to be in the minutes of the Select Committee. That is all that I am asking. It only means that the Rs. 1-13-0 which is now the surcharge will now become merged in the protective duty, so that, when the surcharge is removed after some time when the revenues of the Government of India justify that such removal is necessary, then the surcharge will remain as it is without being removed along with the general removal of surcharge. I think Government will have no objection to accept this.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be added:

'Provided that the surcharge of Rs. 1-13-0 per maund shall henceforth become a countervailing import duty'."

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadian): Sir, I have also an amendment to sub-clause (1) of clause 3. Would I be in order in moving it now?

Mr. President (The Honourable Sir Shanmukham Chetty): It is the same as this one. If this is negatived, then that also goes out. The Honourable Member can speak on this.

Mr. Jagan Nath Aggarwal: Very well, Sir. I have much pleasure in supporting the amendment just moved by my friend, Mr. Reddi. The reason why I do so is because it is put down in the Report of the Select Committee that "it is implicit in the present proposals that the surcharge should become merged in the import duty", and that nothing will be done to touch the surcharge so long as this duty is to continue. In other words, where the Tariff Board originally proposed an import duty of Rs. 7-4-0 per cwt. owing to emergency legislation and extraordinary circumstances, a surcharge of 25 per cent was levied, which increased the import duty to Rs. 9-1-0, and the duty has remained from September, 1931, at that figure, so that, instead of the amount of protection which was envisaged by the Tariff Board, we are at present enjoying protection of Rs. 9-1-0, and the present excise duty, whether it be one rupee or

[Mr. Jagan Nath Aggarwal.]

Rs. 1-5-0, is on the basis that the sugar industry is enjoying protection of Rs. 9-1-0. Now, Sir, if the import duty stands at Rs. 9-1-0, then the industry has a certain margin of protection, and under that it will be able to sell sugar in the Indian market free from competition from Java. It is a matter of doubt whether even the present parity of prices in Java will be sufficient to ensure to the manufacturer of sugar that margin of Rs. 7-12-0 which we are told is secured to the manufacturer. It is a matter which we will have to go into at a later stage, but my submission is that if the present duty stands at Rs. 9-1-0, and if at some future time the surcharge is removed, the whole structure will be upset. I, therefore, submit that the Select Committee in paragraph 2 of their Report have said:

"We consider that it is implicit in the present proposals that the surcharge should become merged in the import duty and no longer be regarded as a temporary emergency addition, and also that if any proposals are made for the reduction of the existing rate of import duty the Legislature should be given an opportunity simultaneously to review the excise duty."

Therefore, Sir, the proposition, to which hardly any objection can be taken, is that the surcharge of 25 per cent, which is otherwise a temporary and additional duty, is practically a part of the duty which is secured to the industry, and so long as this addition remains, this excise duty will remain. I would, therefore, submit that my proposal or Mr. Reddi's proposal would serve the same purpose, and that which is called "implicit in the present proposals" in the Report of the Select Committee, which is otherwise taken for granted, I say, should be put down in the Bill itself.

The Honourable Sir George Schuster (Finance Member): Sir, I do not think that there is any quarrel between us on this side and the Honourable Members who have spoken as to what the position should be, but I am afraid that I could not accept the amendment standing in the name of my friend, Mr. Reddi. In the first place, I do not think really it is very clear. I do not quite understand myself the significance of the words "countervailing import duty". I do not see what added security those words would give to the position as it stands in the Bill as drafted and as interpreted by our statement what our position is.

There is another point to which I must call attention. Our position is that the measure of protection is to be calculated by deducting the excise duty from the import duty. Therefore, at present if you take Rs. 1-5-0 as we propose from Rs. 9-1-0, that leaves a difference of Rs. 7-12-0. That represents the measure of protection recommended by the Tariff Board when Java sugar is selling at a price below Rs. 4 a maund in Calcutta. If the price of sugar were to go up above that rate, it will be consistent with the policy that we have adopted to reduce the margin again from Rs. 7-12-0 to Rs. 7-4-0 which was the basic duty recommended by the Tariff Board, and we cannot depart from that position. We have taken our stand on the Tariff Board's recommendation, and we intend to remain in that position. Therefore, that is one factor which has got to be taken into account. But, apart from that, there need be no ambiguity at all on this matter, the Government regard themselves as bound to maintain a difference between the excise and import duties which represents the measure of protection recommended by the Tariff Board. The Government will certainly not vary that position without the approval of the Legislature. That, I think, Sir, should satisfy my friend.

Mr. Jagan Nath Aggarwal: Will the Honourable Member accept my amendment? It is only a matter of verbal change.

Mr. President (The Honourable Sir Shanmukham Chetty): The effect of that would still be the same.

Mr. Jagan Nath Aggarwal: I thought objection had been taken to the words "countervailing import duty" suggested by my friend, Mr. Reddi, and that the Honourable the Finance Member was prepared to accept my amendment in the manner I have put it.

The Honourable Sir George Schuster: Sir, I must apologise for not dealing with that amendment. It really escaped my notice. I am afraid that I cannot accept that amendment in that form. Again, it seems to me to be unnecessary, and we should certainly object to a provision stating that this Act shall only remain in force so long as the duty on imported sugar together with the surcharge, etc., remains at Rs. 9-1-0. I have already given one reason. There might be a variation of Re. 0-8-0 if the price of sugar went up, and what I have said, I think, amply covers the position. We make it quite clear that we will not depart from the Tariff Board's recommendation without the approval of the Legislature. I think that is all that my friend need ask for.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be added:

'Provided that the surcharge of Rs. 1-13-0 per maund shall henceforth become a countervailing import duty'."

The motion was negatived.

Mr. T. N. Ramakrishna Reddi: Sir, I beg to move:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be added:

'Provided that the factories created and worked during the current year, namely, 1933-34, shall be exempt from paying the excise duty'."

Sir, my reason for moving this amendment is this. The factories that have been in existence prior to 1933-34 and have been working have made certain profits, and even after levying this excise duty they might be in a better position to stand the strain. But the factories that have been erected this year, in the hope that there would be no excise duty, would be put to a very heavy loss. No doubt, the Finance Member in his speech has given us a hint that the surcharge is not going to be a permanent thing, that it might be removed any time when the finances of this country justify its removal, and that the factory owners should not bank upon this surcharge for a long time. But, Sir, we must also allow for the frailties of human nature. Human nature expects things to remain as they are and the factory owners and industrialists would like to make as much profit as possible, on the principle of the ancient adage "make hay while the sun shines", and, therefore, I want that the factories established this year should be exempted for this year, so that they might make some profit and stand the strain hereafter

Mr. Bhupat Sing (Bihar and Orissa: Landholders): Your amendment says for all time. Do you want to accept it for ever?

Mr. T. N. Ramakrishna Reddi: My point is only for 1933-34.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): But the wording in the amendment does not say so.

Mr. T. N. Ramakrishna Reddi: If the Chair has no objection to amend it so as to make it applicable for one year, I think. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member wants the Chair to give effect to his intention?

Mr. T. N. Ramakrishna Reddi: I hope you will permit me to make this amendment and that there will be no objection to it.

Mr. President (The Honourable Sir Shanmukham Chetty): What is the wording that the Honourable Member wants?

Mr. T. N. Ramakrishna Reddi: The amendment should read thus:

"Provided that the factories created and worked during the year 1933-34 shall be exempt from paying the excise duty for one year."

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be added:

'Provided that the factories created and worked during the year 1933-34 shall be exempt from paying the excise duty for one year'."

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): From what date is the year to be counted? That ought to be in the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The next amendment of Seth Haji Abdoola Haroon is somewhat similar to the one proposed by Mr. Ramakrishna Reddi in some respects. Probably he can also move his amendment and discussion can take place on both the amendments.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): I beg to move:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be inserted:

'Provided that no duty shall be levied on the sugar produced by the factories during the first two seasons of their establishment:

Provided, further, that sugar factories in North Bihar affected by the earthquake shall be exempted from the duty till 31st August, 1934'."

I shall be brief in my remarks. Though it might be said that everybody is making profits, I may give an example. When my Honourable friend, Lala Hari Raj Swarup, started his factory, I do not think he crushed in the first year more than four or five lakhs of cane though the capacity of the mill is 13 lakhs of maunds of cane, and, as Mr. Srivastava suggested, in his opinion the average is 18 lakhs of cane. On this side of the country, from Delhi to Saharanpur, there is one factory, I think it is called Meihadinpur factory, and that could not crush more

than three or four lakhs of maunds of cane this year. I saw the engineer of another factory called Abdullapur, and I asked him as to how many maunds of cane he had crushed in the first year. He said 25,000 maunds.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): What about the Haji Abdoola Haroonpur factory?

Seth Haji Abdoola Haroon: I am ready to give the figures of my mill if you like. My factory is equipped not for 400 tons, but for 900 tons, and we have crushed more cane than these people have done. But I have not crushed more than 55 per cent of the quota, because there are a lot of things in connection with a sugar factory. People think that the sugar industry is a very simple one, and that the factory owners are making lakhs and even crores. But this is a very technical industry, not only on the manufacturing side, but also on the organisation side. In my factory, we require 30,000 tons of cane daily, and you can imagine how many carts will be required for these 30,000 tons of canes. 1,000 maunds of cane require at least 60 carts. Again, we have to collect from long distances, and, in my factory, 2,000 people are engaged in bringing in all these canes, and so on. In the first year, when we were inexperienced, we did not know how to work the thing efficiently.

Government can bring in any Bill. They want money and they can give any arguments they like. They can say what they like, and we have no power to inflict defeat on the Government. We are laymen, and we have not an army of Secretaries or an army of typists and stenographers. Besides, there is a difference of opinion in this House. Some are for the agriculturists, some are for getting better prices for the cane, and so on. But I may tell my Honourable friends that next year they will find all sorts of difficulties on account of this excise duty. In my opinion, next year, at least 25 to 30 per cent less of cane will be crushed.

Sir Muhammad Yakub: If you are a layman, how do you know all these things?

Seth Haji Abdoola Haroon: I know all this, because of the excise duty, according to the figures presented to us, the factories will hardly get three or four per cent. We merchants and businessmen adjust ourselves according to circumstances, and when we find we do not get ten per cent, we try to crush less cane and get a good percentage of sugar. In my opinion, the sugar factory in the first year cannot work efficiently and properly. In the second year, it might adjust itself to meet the requirements and necessities of running the mills. Therefore, I propose that in the case of factories started newly, and working for two years continuously, the duty should not be levied. Besides that, there is one other point. Yesterday, the Finance Member said that if any factory in Bihar was affected and if the Local Government recommended its case, it would be considered. I do not know what will be the proper way, whether they should apply to the Bihar Government or to the Finance Member. Some factories start working after two or four or six weeks. I cannot understand how this point can be settled, as to which factory should be given facilities, and in what way. The Honourable Member must make it clear to whom we should apply—to the Bihar Government or to the Government of India. He must tell us clearly, so that we can understand. With these remarks, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendment moved:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be inserted :

'Provided that no duty shall be levied on the sugar produced by the factories during the first two seasons of their establishment :

Provided, further, that sugar factories in North Bihar affected by the earthquake shall be exempted from the duty till 31st August, 1934'."

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, I have got every sympathy with the object of this amendment, but there are one or two points which I should like to be cleared up before I give my assent to it.

The first part of the amendment means that if a factory is in a position to make sugar, then the quantity would be so small in the first year, and the amount of expenditure involved in starting the mill would be so great, that the factory will not be in a position to make any profit, and, therefore, it will be inequitable to impose any excise duty on the sugar produced. If that is the object of the amendment, then it ought to commend itself to the sympathy of Government and Honourable Members.

As regards the second part of the amendment, I want to know if a particular sugar factory in the affected area of North Bihar has been put out of operation for the time being and it is not in a position to produce any sugar, whether any excise duty can be levied. If during that time the factory has produced sugar, then only the excise duty will be levied on the quantity produced, but if it is out of action and no sugar is produced, then this excise duty will not be levied. That is the point which I want to be cleared up before I give my assent to the amendment.

Many factories in North Bihar have been badly affected and the Government of India have been showing active sympathy and I would like to say that whatever relief by way of remission of excise duty and in other ways is to be given must be given to the sufferers of North Bihar. Now, for instance, my friend, Mr. Haroon, has got a factory in North Bihar. This factory has been temporarily out of action on account of the earthquake, and if that factory is not in a position to produce sugar, then *ipso facto* no excise duty will be levied.

Seth Haji Abdoolah Haroon: You are correct. What I am saying is that, on account of earthquake, many factories have gone out of action. From the 1st of April or the middle of March and from the middle of April they have started again and they have commenced to produce sugar. If it is out of action completely, then there can be no levy, but if it has started after spending so much money on the factory, it has to pay the excise duty. That is my point.

Mr. Gaya Prasad Singh: My point is not fully explained by the explanation of my friend, Mr. Haroon. If the factory is out of action and no sugar is produced, then obviously no excise duty will be paid. It is only in the case of those factories which have been temporarily out of action, but which, after the 1st of April, are in a position to produce some sugar, then the excise duty should not be levied in consideration of the fact that they have to incur expenditure in restoring their factories to the original working condition. That is my friend's point. That is a laudable object. If a factory has been rendered out of action and if Government have afforded it assistance either from the Viceroy's Relief Fund or otherwise, and money

has already been provided for the restoration of the factory, then I should like fully to understand how the sugar produced in that factory can be exempted, because, whatever damage was suffered, was made good out of the relief fund. If the factory is out of action and has not been restored to the original working condition, then it is equitable and fair and just that some concession ought to be given in the matter of levying the excise duty, and those mills affected will be at liberty to apply for relief, and I hope that Government will be pleased to give the relief in some way or other.

Mr. President (The Honourable Sir Shanmukham Chetty): Will the Honourable the Finance Member explain the position about the North Bihar factories?

The Honourable Sir George Schuster: As you have asked me to explain the position, perhaps it will save a certain amount of time if I do so. I take it that you do not want me to reply to the general discussion. I made Government's position clear yesterday, and I am afraid I cannot go any further than that. We should certainly object to any wholesale indiscriminating provision of this kind which would exempt all factories in North Bihar. Several questions have been asked. First of all, I made clear that the cases which we could consider must be cases recommended by the Provincial Government. Obviously, therefore, if there is to be any application for special treatment of this kind, it must in the first place be made to the Provincial Government and not to the Government of India. Now, Sir, I cannot give any more precise statement than I gave yesterday. If there is to be any special exemption given, it must be discretionary, given according to the circumstances of the case. One might perhaps take a quite obvious case to illustrate what I have in mind. Supposing you had a factory working within the affected area, able to continue its work, but unable, owing to the interruption of transport communications, to get trucks or other facilities for using its sugar. Then, I take it, we might take into account the fact that, in normal circumstances, that factory would have been able to get rid of its normal monthly production in March, and if that was held up, that might be a ground for special consideration. That would have to be interpreted very strictly, because we cannot take into account the possibility that that factory might have been able to work at an abnormal rate of production during March and have anticipated the imposition of the excise duty and got rid of all its sugar before the 1st of April. That would be a clear case. I would not like to go any further than that. As regards factories which have been completely destroyed by the earthquake, those, of course, as my Honourable friend, Mr. Gaya Prasad Singh, has pointed out, would not normally be paying any excise duty at all, but it is possible that a factory of that kind might have had a stock of sugar on hand when the earthquake came and might have been unable to get rid of that stock before the 1st April. That would be a clear case for special treatment. We certainly would not seek to levy an excise duty on sugar produced before the earthquake which for one reason or another the factory had to retain in its own precincts. Sir, I think that deals with all the points raised.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Sir, on the second reading of this Bill, I propose that at least for one season the factories may be exempted from this duty; that is to say, that factories, which produce their first-season sugar, may not have this excise duty levied on them. The reason why I propose that is this.

[Diwan Bahadur A. Ramaswami Mudaliar.]

A new factory coming into existence has got various difficulties and handicaps which the older factories are not suffering from. In the first place, as my friend, Seth Haji Abdoola Haroon, has pointed out, the question of getting sufficient sugar-cane for crushing purposes is really a difficult question, and a new factory established for the first time may not be in a position to command as much sugar-cane as it could crush, owing to the fact that it has not established a clientele for this purpose. In the second place, even granting it does get the sugar-cane required, its marketing operations have yet to be opened out and it may not be in a position to market as much sugar as other concerns which are well-established and which have cornered the market. It is in the position of an interloper which has to secure markets which are already held by other concerns of long standing, and these two handicaps will be rather heavy with any industry set up for the first time: I suggest that when an excise duty like this is to be levied—not indeed on the amount of sugar sold, because that is not the proposal, but on the amount of sugar produced by a factory—I suggest that it would be only fair that for the first season these factories should be exempted and they should come under the operation of the excise duty only in so far as the sugar produced in later seasons is concerned. To that extent I support the amendment of my friend, Mr. Ramakrishna Reddi. I do not want exemption for two seasons, but I propose that the exemption should be for the first season, which, I take it, is the proposal of my friend, Mr. Ramakrishna Reddi.

Sir, I hope the House will take a fair view of industrialists and capitalists in this matter. My own purpose is to see that justice is done to them and not that they are given adventitious aids which enable them to have large profits. Secondly, as regards the Bihar position, I am very sorry, my friend, Mr. Gaya Prasad Singh, has not been able to understand the position. If a Bihar factory has been completely out of action throughout the present season, which ends on April 15th or May 1st then of course he is quite correct. No question of sugar production arises and, therefore, no question of duty arises; but I understand that that is not the position with reference to most of the factories.

Let us take two groups of factories—factories which were affected by the earthquake and factories which were not affected by the earthquake. In the case of the factories affected by the earthquake, they have been temporarily out of action. They were not able to use their machinery for a certain period. That is admitted. They have been unable to re-start their machinery for two months probably, and, therefore, the amount of cane crushed in their case is smaller than the output for the whole season, proportionately. The fundamental basis on which this excise duty is arrived at is this. If a factory is able to crush so many lakhs of maunds of sugar-cane, then its output would be so much, and, therefore, it is able to sell at such and such a price and to make such and such profits. Therefore, what is to be taken into consideration is not merely whether the factory is working and producing any sugar at all, but whether it is in a position to work for so many months and produce such a minimum amount of sugar or crush such a minimum amount of sugar-cane. If that fundamental basis is absent, then the margin of profit immediately falls to the ground. You have to provide for depreciation of your machinery, you have to provide for various other things. The margin of profit comes in only when you are in a position to crush eighteen lakhs of maunds of sugar-cane, as the Sugar Technologist pointed out in the Select

Committee. Now, it is obvious that a factory which has been disturbed and which has been kept out of its working order for a period of six weeks or two months, owing to the earthquake, can never do that. In that case, the amount of sugar that it has produced is very much lower. Therefore, the total profit it can earn is very much smaller. It may sell sugar at the same price as before, but the margin of profit will be very much lower,—in fact the margin of profit would have disappeared in many cases, because the depreciation and other charges remain constant. They are not affected by the earthquake or by the stopping of the machinery from working. Many other charges are constant. The working charges will be proportionately lower, but the fixed charges which have to be paid must be paid even during the period when the factory is not working. Therefore, with the lower output of sugar, the margin of profit is wiped off, and where are you going to get the Rs. 1-5-0 excise duty from these factories? That is the first category of factories which have been affected by the earthquake.

Now, take the second class of factories—those which have not been affected by the earthquake, but, even with reference to these factories, the same argument holds good, because they have not been able to work throughout the season. In the first place, they were not able to get sugar-cane all through the term. You know very well that the production of sugar-cane has suffered in Bihar and Orissa. They had to wait a long time before the sugar-cane could come through in the railway trucks which, thanks to Sir Guthrie Russell and others, the railway authorities have been able to send to these factories, and, therefore, they also have been compulsorily forced to close down their factories even though the latter have not been affected by the earthquake and even though they are in good working order all the time, and, therefore, the same reasoning applies. The smaller the output, the smaller the margin of profit, and the more inequitable will it be to charge those factories excise duty on the production of sugar when they have really made no profit whatsoever. Therefore, I should have thought—and I do hope that my friend, Mr. Gaya Prasad Singh, will see this—that so far as the factories in Bihar and Orissa are concerned, whether they have been strictly affected by the earthquake, in which case their position is worse, or they have not been affected by the earthquake, in which case even they were not able to work all through the year, it is perfectly legitimate to argue that they deserve separate consideration. It is not a question whether factories affected by the earthquake are going to get more money from the Viceroy's Earthquake Fund, and so on. That is not the issue at all. Apart from that, leaving aside that basis altogether, I say that if you see that a factory has been put out of action for six weeks or two months according to your own experts' calculations, then the output from the factory is smaller, and when the output is smaller, the margin of profit is wiped out; and, therefore, you cannot, in equity levy an excise duty on the sugar produced from these factories. Therefore, on both these grounds, I think it is a fair proposal that for the first season the factories should be exempt, and that, so far as Bihar and Orissa factories are concerned, the sugar excise duty may be levied from a later date as proposed by my Honourable friend.

I would only like to say one thing more. Repeatedly the Honourable the Finance Member has pointed out that he has no resources
 12 NOON. up his sleeve, and therefore, he must get his money from every source that he is trying to tap. If he does not get this money, then there will be serious trouble with reference to the subventions or other things that he proposes to pay to different Provinces. Sir, it is only this morning

[Diwan Bahadur A. Ramaswami Mudaliar.]

that we read the statement of the Budget by the British Chancellor of the Exchequer. The Chancellor of the Exchequer made it quite clear that, so far as he was concerned and the budget of the British Government was concerned, he was making no provision at all for the reparation of the war debts. He was making no provision on the expenditure side, nor was he making any provision on the revenue side. Last year, when my Honourable friend introduced his Budget, I pointed out that the British Government were unlikely to make any provision at all of these things except probably a token payment. They were not certainly going to budget for a receipt from the various dominions and from India with reference to these amounts, and, therefore, it was not right that a provision of 50 lakhs of rupees should be made in our Budget for this payment. I did not know at the time that I was going to be such a good prophet, because that is exactly what has happened in spite of the fact that my Honourable friend, the Finance Member, did not accept my line of reasoning then. He pointed out when he gave us the statement that it was necessary to pay that amount, and, therefore, to that extent he got the benefit of it. I say, again, now, on better authority than I had last year, that there is no need for the provision at all in this year's Budget, because the British Government have not made a provision on its revenue side for the receipt of this amount either from India or from any of the dominions, and anybody who knows this matter would feel perfectly certain that when they have not made a provision this year for receipt side, they are not going to come down on us in the middle of the year and ask for such a payment to be made. They might have done so if only India was concerned, but when the Budgets of the other dominions have been framed on that basis, they dare not come down on us in the middle of the year and say "we have changed our mind, please make the necessary contribution". Therefore, we are in a happy position, and there is no need for the 80 lakhs which my Honourable friend has provided for for the payment of war debts. I am now showing to him at least one source to which he can resort if this duty does not provide all that it seeks to provide. But it is unnecessary to go into such large figures. I do not think the amount of the duty that will be lost will come up to very much. The factories which will work for the first season are only very few. Their number is not more than 11. The amount of sugar that will be manufactured in these factories will be a limited one, and my Honourable friend is not likely to lose much if he accepts this amendment. Moreover, he is prepared to treat the Bihar and Orissa factories individually. All that I suggest is that instead of putting them into the awkward position of going to the Provincial Governments and then coming up to the Government of India and trying to satisfy subordinate and petty officials on the one hand and high officials on the other, this House may say that having had this distress on them for reasons, which are beyond their control, having had a visitation from God, let them have the privilege or the satisfaction that this House has taken a sympathetic attitude in their case, and that, both in the interests of the factories and the sugar-cane growers, till the first August they will not have this duty laid on them. That is all this House tries to seek.

Sir, I would make one earnest appeal to the Honourable the Finance Member. I make no personal observations of any kind at all, but I do venture to think that if occasionally he tries to see the other side of the case dispassionately, he would not lose much either financially or in relation to those industries with whom he has got to deal. If I were in the position

of giving advice to him, which, unfortunately, I am not, under the present Constitution, I would certainly suggest that it is in the interests of the Government and in the interests of the industry concerned to take a view of the case which, while not sentimental, may look fair to the industry itself. It is not consciousness of the rectitude of your own purpose, nor is it the consciousness that, after examining all the figures, you have decided on the right thing, but I think you should go further and try to convince your opponents that they are wrong and you are right. I venture to state, after having listened to a number of speeches from the Finance Member, both in this House and in the Select Committee, that he has not done that so far as this industry is concerned. I need only say that I have no sort of interest in this industry, but, having studied the case, I do feel that a certain amount of bending down of the Finance Department in this matter will not be unfair to the industry. Sir, I support the amendment of my Honourable friend, Mr. Ramakrishna Reddi, and the second proviso of the amendment of my Honourable friend, Seth Haji Abdoola Haroon.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir. I rise to support the amendment moved by my friend, Mr. Reddi. I do not know the number of new factories in Upper India, but I do know that there are certain companies in Madras which have just started their business or have ordered machinery with a view to starting manufacture of sugar. Sir, they had not the remotest idea of being saddled with an excise duty of this kind when they placed their orders for the machinery. I am sure, my Honourable friend, Mr. Reddi, will have no objection if the amendment were changed in such a way that orders given for the purchase of machinery, prior to the date of the introduction of the Bill in this House, should be made the criterion for the exemption of the payment of the duty. There are certain companies which ordered their machinery in the month of February before the Honourable the Finance Member announced the proposal to levy this excise duty. Those that started working last year were not able to turn the corner. Such cases may be exempted from the operation of this Bill.

Then, Sir, there is another aspect of the question which ought to be considered. The exemption of these companies for one year will not materially affect the financial plans of the Government, because the Government have not, in calculating the probable revenue for the next year, taken into account the output of these new companies. That is an argument in their favour. It is under the fostering care of the Honourable the Finance Member that these factories have been started. So it is up to him to treat these factories with a generous and kind attitude. I appeal to him to consider all these aspects and see if he can exempt these new factories for a period of one year. With these words I commend the amendment for the acceptance of the House.

Mr. F. E. James (Madras: European): Sir, I would like to express my position with reference to this proposal very briefly. In the first place, the first proviso would, in effect, exempt from duty a very large number of factories. In the Select Committee, we were supplied with a list of factories according to the Provinces which worked for the first time in 1933 and 1934. And, as the scope of this proposal would cover two seasons, there would still be a large number to be added to that list. Therefore, this would have, from the revenue point of view, probably a more serious effect than even the proposal which I made yesterday, and which I claim to be a much more logical proposal. There is a further

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objection, and that is the objection of principle. The result of this proviso would, in effect, be that the Government would be asked to give a bounty to factories which were being established during the first two seasons of their operation. Now a great deal has been said about the supposed inefficiency of factories that have recently been started, and yet I was interested to read this morning from the report of the Sugar Technologist the following sentence:

"It is a matter for some satisfaction to those concerned in the technical aspect of the present development that, even in the first year of their operation, the new plants have shown results which, on an average, are not inferior to those factories established for several years."

Surely, it must be patent to Honourable Members that factories started afresh under present conditions are in a far better position and have tremendous advantages in regard to machinery and new types of cane and research of all descriptions compared with the factories which were started sometime ago. I suggest to the House that a provision of this kind would in effect have the tendency of giving a bounty to inefficiency. With regard to the second proviso, we oppose that also, not because we have any lack of sympathy with the plight of some of the sugar factories in Bihar as a result of the earthquake,—I can assure my Honourable friend, Mr. Gaya Prasad Singh, on that particular point—but because we feel that it is a wrong method; factories have been affected in different ways, and why should they all get the same level of exemption? There is a provision in the Act, whereby the Governor General may exempt, from all or any part of the duty, any factory, and we think that the proper procedure would be for the factories to make their applications for assistance through the Local Government and for the Local Government to pass those on to the Government of India. If those applications are found to be just, action can be taken in regard to individual instances under the proposed provisions—I think it is clause 10 of the Bill. Therefore, I see no reason for this particular provision which is not equitable in basis and would not meet the varying conditions in which the factories are suffering in the Province of Bihar. At the same time, I would ask the Honourable the Finance Member, and I am quite sure that he will agree, to be as sympathetic as possible to any applications which do come from the Local Government in respect of factories in Bihar which have suffered unduly as a result of the earthquake.

Mr. Gaya Prasad Singh: Under what provision has the Governor General got power to exempt?

Mr. F. E. James: I think it is clause 10 which says:

"The Governor General may, by notification....., declare that any of the provisions.....relating to the levy of and exemption from duties.....be applicable in regard to like matters in respect of the duty on sugar imposed by section 3."

Mr. President (The Honourable Sir Shanmukham Chetty): There is provision already.

Mr. Gaya Prasad Singh: That is all right then.

The Honourable Sir George Schuster: Sir, in the first place, I should like to thank my Honourable friend, who has just spoken, for relieving me of the task of making a great part of the speech which I had been going to make. He has certainly put forward arguments which have great force and which have influenced us in our attitude on this matter.

Before I deal with any of the special points, I should like to clear up a certain misapprehension which, I think, my Honourable friend, Mr. Mudaliar, has created. In the first place, I would like to point out to him that, even under the present Constitution, he has unlimited opportunities of offering advice and that his advice is always most seriously considered. But, I am afraid, there are more material points where my Honourable friend is perhaps under a misapprehension. I am, of course, fully aware of the position as regards war debt payments, and I shall probably have something more to say on that subject later. But I think I made it clear according to my recollection in one of my earlier speeches that we did in a sense regard that as a reserve provision, because we recognised the chance that it might not be required. That is the attitude which I took last year when I was criticised for including the war debt provision in full in our estimates, and I took the line that we needed some reserve, because in the uncertain conditions prevailing, our estimates were very insecure, and if my Honourable friend claims that he was right in his anticipation that the payments would not be required, I think I may also claim that I was right in saying that I needed some reserve provision. Then, Sir, as regards the amount of this provision, my Honourable friend mentioned the figure of 80 lakhs, but the actual figure is just under 58 lakhs. On the merits of these amendments, we must oppose them on the ground of principle that we think that it would be an extremely dangerous precedent to create that on any occasion, where a duty of this kind was to be imposed, a special exemption tantamount, as my Honourable friend, Mr. James, pointed out, to a special bonus should be given to factories in the first year of their operation. A great deal of play has been made about the difficulties that a factory has to encounter when it first gets to work. That, Sir, is obvious to every one who has at any time embarked on industry and the difficulties of that nature must be taken into account by any prudent financier who contemplates putting money into a new industry. But they do not constitute any special ground for a bonus to be given from public funds to the new factories in their first year.

Turning now to the details of the particular amendments, they are, if the Honourable Members who have moved them will excuse me for saying so, extremely faulty in their wording. My Honourable friend, Mr. Ramakrishna Reddi, had already to make several extempore amendments, but even so, I venture to suggest that his proposal would work extremely unfairly. It refers to factories created and worked during 1933-34. What about factories that were created and not worked during 1933-34, and what about factories that are just on the point of erection now after the close of the season 1933-34? That brings me to another important point which I must make and another misapprehension that, I think, exists in the mind of my Honourable friend, Mr. Mudaliar. My Honourable friend has said that the financial effect of a proviso of this kind would be negligible. But, Sir, I must remind my Honourable friend that, in the course of last year, 59 factories were erected, and that, since the close of the current year, ten more factories are in course of erection. Therefore, this proviso, if it is slightly expended—and in fairness it would have to be to include factories that have been put up just now—would exempt 69 factories from

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payment of duty in 1934-35. That represents about half of the manufacturing capacity for 1934-35. Therefore, we should lose something like half of our revenue. That, Sir, is a very important consideration.

I turn now to the amendment of my Honourable friend, Seth Haji Abdoola Haroon. That goes even further and suggests a perpetual exemption of all factories now and hereafter in the first two years of their operation. I think, Sir, the implications of that have only got to be considered for a moment to make it imperative to arrive at the conclusion that it is an impossible proposition. I can imagine some of the nimble-witted financiers of Calcutta making a regular trade in starting new factories. They could be certain of two years extremely large profits, and, before the end of two years, they would undoubtedly have passed on the shares in these concerns to the public and would start on another series of two year factories in the future. It would lead to quite an impossible situation, and, I feel sure, that nobody in the House would support that when he had considered what it meant.

As regards the position in North Bihar, I have already dealt with that, and I have already explained to the House how far we can go. We cannot go further than that and, here, again, I would put it to my Honourable friend that the wording of his amendment would be extremely difficult to interpret. I would find it very difficult to decide what exactly was a factory which had been "affected" by the earthquake for example. We must go into these cases as individual cases on their merits and on the facts in each case, and that, as I have already indicated, we are prepared to do. Beyond that, we cannot go. Sir, on all these grounds, I must oppose both these amendments.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be added :

'Provided that the factories created and worked during the year 1933-34 shall be exempt from paying the excise duty for one year'."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would put Haji Abdoola Haroon's two provisos separately to vote. The question is:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be inserted :

'Provided that no duty shall be levied on the sugar produced by the factories during the first two seasons of their establishment'."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That to sub-clause (1) of clause 3 of the Bill the following proviso be inserted :

'Provided that sugar factories in North Bihar affected by the earthquake shall be exempted from the duty till 31st August, 1934'."

The motion was negatived.

Mr. M. Maswood Ahmad: Sir, the amendment that I want to move is:

"That for sub-clause (2) of clause 3 of the Bill the following be substituted :
'(2) The duty payable under sub-section (1) shall be at the following rates, namely :

- (i) On all sugar except *khandsari* sugar, and palmyra sugar at the rate of one rupee per cwt. ;
- (ii) On *khandsari* sugar at the rate of eight annas per cwt., or at such rate as may be fixed in this behalf by the Governor General in Council after such enquiry as he may think fit, whichever is lower ;
- (iii) On palmyra sugar at such rate, if any, as may be fixed in this behalf by the Governor General in Council after such enquiry as he may think fit'."

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural): Sir, on a point of information. Before my Honourable friend, Mr. Maswood Ahmad, makes his speech on this amendment No. 13, I would like to suggest that we should only proceed with part (i) of this amendment. Because, supposing it is passed, the position regarding my amendment No. 15 would be decided. My position is that, if this is allowed, then, my amendment No. 15 need not be moved, because it only wants to strike off *khandsari* sugar. But, if the House does not agree to this amendment, then I do not intend moving my amendment, because it will bring *khandsari* sugar mostly under the higher duty. I hope I have made myself clear. I, therefore, suggest that the debate and the voting should be confined to part (i) alone.

Mr. President (The Honourable Sir Shanmukham Chetty): Of course, Mr. Maswood Ahmad always gives substitution motions. The Chair has made it clear that it does not give any priority in the matter of making speeches, but it certainly creates confusion, and this is perhaps one of the cases. The House must be given an opportunity to take a decision whether *khanasari* sugar will be liable to excise duty or not. So far as that is concerned, amendment No. 20 deals with that. That raises the specific issue of duty on *khandsari* sugar. If that is taken up first and if that amendment is negatived, all other amendments relating to *khandsari* sugar will fail.

An Honourable Member: The question of rate will remain.

Diwan Bahadur A. Ramaswami Mudaliar: This should be taken first before Mr. Maswood Ahmad's amendment.

The Honourable Sir George Schuster: I think that is correct. There is a whole series of amendments seeking to lower the duty on *khandsari* sugar, and possibly they may be taken subsequently.

Mr. M. Maswood Ahmad: As you have remarked that I give substitution amendments to get priority, I may say, on a matter of personal explanation, that it was not done with the idea of getting priority in this case, because it is entirely on separate scheme, and it was not possible to separate clause (i) from clause (ii). The amendment in part (i) is a consequential amendment on part (ii), and so there was no other alternative for me except this, because it is a whole scheme.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, in view of the scramble to gain priority in speeches here, if the office would put down the time when these amendments are received, that will make the position very much simpler.

Mr. President (The Honourable Sir Shamukham Chetty): As a matter of fact, the present practice followed in the office is to print all the amendments in order of sequence according to the clauses irrespective of the wording of the amendment. Therefore, there is no difficulty with regard to that.

Mr. T. N. Ramakrishna Reddi: Sir, I move:

"That in sub-clause (2) (ii) of clause 3 of the Bill, after the word 'except' the words '*khandsari* sugar and' be inserted."

The clause as amended would read thus:

"on all other sugar except *khandsari* sugar and palmyra sugar at the rate of one rupee per cwt.;"

Thus my idea in moving this amendment is to make a total exemption of *khandsari* and palmyra sugar from the excise duty. Sir, yesterday, in my speech on the second reading, I dealt elaborately with the handicaps under which the *khandsari* sugar suffers, and I do not want to repeat all the arguments that I then advanced. I will only quote in one sentence those disabilities.

In the first instance, I quoted from this book of M. P. Gandhi that the extraction of sucrose from the cane is far inferior in *khandsari* process as compared with that obtaining in the factories. While the extraction is about 86 per cent in the factories, the extraction in *khandsari* process is only 56 per cent.

Then, secondly, with regard to the recoveries also, while the factories get a recovery of 8·6 to nine per cent, the *khandsaris* get only five per cent. And I have also stated that *khandsari* sugar is of an inferior quality to that of factory sugar, and hence it commands only a lower price in the market. If, added to all these disadvantages, this excise duty also is levied on the *khandsari* sugar, the *khandsari* sugar is bound to disappear or is bound to suffer considerably. Sir, it is in the interest of the cane growers that *khandsari* sugar manufacture should exist in this country.

If the Government have any sympathy for the cane grower, as they seem to show by the introduction of this measure to fix the price of sugar-cane, then they must try and protect this *khandsari* sugar also from total extinction, because, Sir, only a very small percentage of cane is consumed in the factories and a large amount of cane still remains to be disposed of. Further, most of the factories exist near the railway stations or in places where there is extensive cane cultivation, because large factories cannot work profitably if they are erected in out of the way places. The cultivation of sugar-cane is spasmodic and is distributed over long distances. In these circumstances, the *khandsari* sugar manufacturer comes to the rescue of the cultivator and the cane grower, and these *khandsari* sugar manufacturers are bound to absorb in an increasing

degree more cane than the factories can consume, and, therefore, these *khandsaris* should be protected. Sir, the total extinction of the *khandsaris* will have serious repercussions on the cane growers. In the Madras Presidency,—it is stated at page 74 of the Tariff Board's Report,—that, although nowhere in India, the climatic condition is more favourable for the successful cultivation of sugar, the area under cultivation in the Madras Presidency is both small and scattered. That is the reason why there are very few factories in the Madras Presidency, though the cane grown there is superior in quality. In the Madras Presidency, the *khandsaris* have a bright future, and, therefore, I move that *khandsari* sugar should be totally exempted from this excise duty.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in sub-clause (2) (ii) of clause 3 of the Bill, after the word 'except' the words '*khandsari* sugar and' be inserted."

Mr. G. Morgan (Bengal European): Sir, may I ask a question?

Mr. President (The Honourable Sir Shanmukham Chetty): The discussion on this amendment will cover the entire ground relating to the exemption of the duty altogether on *khandsari* sugar, and if this is negatived, then all other amendments relating to *khandsari* sugar will fall.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On a point of order, Sir. The problem before us is whether *khandsari* sugar should be taxed immediately, or it should be taxed after making further inquiries, or it should not be taxed at all. These are the three issues before us. What I want to point out is that the words "*khandsari* sugar" were not mentioned in the original Bill. Really the whole discussion was started by the Association of Sugar Factory Owners

Mr. President (The Honourable Sir Shanmukham Chetty): Is the Honourable Member making a speech on the amendment?

Dr. Ziauddin Ahmad: I merely want to point out. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member can perhaps finish his speech on the amendment.

Dr. Ziauddin Ahmad: Very well, Sir, I will finish my speech on the amendment.

As I was saying, Sir, there are three issues before the House, namely, whether *khandsari* sugar should be taxed immediately or it should be taxed after further inquiries or it should not be taxed at all. If *khandsari* sugar is to be taxed immediately, then really we must keep clause 1 as it is, and the quantum of protection may be considered. The second thing is, if we decide that *khandsari* sugar should be taxed after further inquiry, then the right course would be to remove clause 1 and put this in clause 3; and if we want that *khandsari* sugar should not be taxed at all, then the present suggestion will have to be accepted. The Report of the Select Committee clearly contemplates that there should be

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a duty imposed on *khandsari* sugar straightaway, and, therefore, to achieve this object they put in clause 1. The result of my friend's amendment, if it is accepted, would be that *khandsari* sugar would not be taxed at all, and so what I suggest is that we should not decide definitely today that *khandsari* sugar should not be taxed at all. At the same time we should not put any duty on *khandsari* sugar without a special inquiry by the Tariff Board. I dislike the idea of putting a duty on the recommendation of a Select Committee on any article without an independent inquiry. I have been fighting the whole Session in the last two Bills that we cannot impose a duty merely based on the opinion of a private person or on the opinion of this man or that individual. If we want to impose a duty or change it on any article, we must have a thorough inquiry made either by the Tariff Board or by a special officer deputed by the Government. Without such an independent inquiry, it will be unfair to impose any tax on any article by means of a mere show of hands in the Select Committee. It was, of course, quite an accident that in the Select Committee the sugar manufacturers had a majority. You may appoint one Select Committee today with a majority of sugar manufacturers, and tomorrow you may appoint a second Select Committee. . . .

Diwan Bahadur A. Ramaswami Mudaliar: Sir, I find that my friend is making very serious allegations. Throughout the last two days, he and I have not been able to agree on many points. Will he explain which is the Select Committee in which there was a majority of sugar manufacturers? Such serious allegations should not be made on the floor of the House so slightly. I must protest against it.

Dr. Ziauddin Ahmad: Sir, I do not go into the personnel of the Select Committee. I judge the thing by the Report, and the Report clearly says,—what private or individual opinion my friend holds on this I do not care,—but the Report itself clearly says that the manufacturers were in a majority, and, so much so, the Government. . . .

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions Non-Muhammadan Rural): You are absolutely wrong there.

The Honourable Sir George Schuster: I do not think I should allow that statement about the Select Committee to pass unchallenged, but I think my Honourable friend's point was, if I understood him correctly, that he was objecting to the Select Committee fixing a duty. He said we might have a Select Committee in which there was a majority of sugar manufacturers one day, and the next day we might have quite a different form of Select Committee. I think he was illustrating the danger of allowing the Select Committee to settle duties of this kind. I think that is my friend's point.

Dr. Ziauddin Ahmad: My friend, the Diwan Bahadur, has practically taken up what we call general Bazaar curses, and any one, who takes them up, falls upon himself. I really never meant to cast any reflections on the Members of the Select Committee now, nor shall I do it in the future. What I have been trying to emphasise was that it was not fair to levy a duty on any article simply on the Report of a Select Committee,

because one Select Committee may be constituted in one manner, while another Select Committee might be constituted in another manner, and I think it is totally unfair to decide this issue by mere show of hands. I can give you one Select Committee which will opine by majority that the excise duty is mischievous and that it should be abolished. I will give you another committee which will attempt to increase the duty beyond one rupee and five annas. It ought to be decided by making a thorough inquiry either by the Tariff Board or by a special officer deputed by the Government.

Now, Sir, as I said, these were the three problems before us. I am of opinion this is a matter which requires a thorough investigation. To my knowledge, I think it was the manufacturers who first started this propaganda that *khandsari* sugar should be taxed. My impression all the time was that *khandsari* sugar was purely a cottage industry, that the manufacturers consumed only ten per cent of the sugar-cane and the remaining 90 per cent was used in the old fashioned way by these *khandsaris*, and that they would continue to crush the sugar-cane in this old fashioned way till we get sufficient machines all over the country. Therefore, unless a thorough inquiry is made and we obtain some figures showing how much sugar is already made in this country, how much cane is consumed by the cottage industry, and how much cane is taken up by the large sugar factories employing electricity or other kinds of steam plant, unless we have some sort of authoritative report on these points, it is not right that we should levy a duty on *khandsari* sugar. . . .

The Honourable Sir George Schuster: May I point out that the Tariff Board, so far as I know, recommended no specially favourable treatment to *khandsari* sugar. Therefore, if we stand on the Tariff Board Report, we should have to levy the full duty on *khandsari* sugar.

Dr. Ziauddin Ahmad: I thought that the original Bill that was laid before us did not contemplate any duty on *khandsari* sugar.

The Honourable Sir George Schuster: No. I made that point clear yesterday. We have not altered the scope of the original Bill at all. The amount of sugar which is going to be hit by an excise duty now is exactly the same as was contemplated in the original Bill, except, of course, the palmyra sugar. That has been taken out. Otherwise, any sugar, whether *khandsari* or palmyra, made in a factory with power machinery and 20 hands employed therein was to be subject to the same excise duty, and so there has been no difference, no change in purpose at all.

Dr. Ziauddin Ahmad: This was the intention, no doubt, of the original Bill, but I still consider that as in the case of the palmyra sugar, we ought to make some more detailed enquiry about the *khandsari* sugar as well, and, then, if the Government, after the enquiry, are convinced that a duty is necessary on it and that it will not hit hard the industry, they may do so. When they do so, they must also remember that *khandsari* produces only five per cent, while the factory produces nine per cent, and this is a definite loss. And if you put any duty on *khandsari* sugar, it will hit the *khandsaris* hard, and we are afraid that the sugar-cane growers might be adversely affected, because the

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khandsari really take in the remaining 90 per cent of the sugar-cane, and, if they are hit hard, there will be no market for the remaining 90 per cent of the canes. At the present moment, the Government need not put any duty on *khandsari* sugar, but they should make further enquiries in the manner they think best, and if they are convinced that *khandsari* sugar is in a position to pay the duty, either in full or in part, then Government can come forward and decide this question.

Mr. Gaya Prasad Singh: As in the case of palmyra sugar.

Dr. Ziauddin Ahmad: Yes, as in the case of palmyra sugar.

Therefore, clause (i) should be omitted and clause (ii) may be left as it is and in clause (iii), after the word palmyra the words 'and *khandsari*' should be added. The result of that will be that no duty will be levied just at present, but you leave the hands of Government free to impose any duty they please after any additional enquiry that they may make. To put a duty on *khandsari* without any detailed enquiry is not correct. We have no figures about *khandsari* factories and what quantity of *khandsari* sugar is made in the factories, we do not know the prices of *khandsari* sugar of various types, and how much is made by factories employing more than 20 persons and how much by factories with less than 20 persons. All these figures should be available before we can make any decision. The object we have in view will be achieved if we omit clause (i), keep clause (ii) without any modification, and add the words 'and *khandsari*' after the word palmyra in clause (iii).

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): When one deeply feels on a particular subject, it is as well if one were to speak with restraint, and I propose to speak with great restraint. At the very outset, I must also agree with the suggestion of Dr. Ziauddin for an enquiry,—not that I like an enquiry, but if an enquiry will postpone the misfortune that is to be visited on *khandsari*, I would like an enquiry. I would ask the Finance Member to tell this House what is the recommendation that the United Provinces Government have made in regard to *khandsari* in the United Provinces. The Finance Member is no doubt aware that there was a censure motion on the Government in the United Provinces Council. It is true that the Government were able to carry the day with their majority, but it is also true that the representatives from Rohilkund and representatives from other parts of the United Provinces made very vehement protests against this imposition of an excise duty on *khandsari* sugar. I know Government approached this *khandsari* question in the past with some prejudice. I admit that the Finance Member has shown some consideration to *khandsari*—as I said the other day,—as against factory sugar. There has been a good deal of prejudice against *khandsari*, as there is prejudice against those who are in adverse circumstances. Adversity is the touchstone of true friendship. *Khandsari* is in its adversity today. It is almost likely to die, and, therefore, I want Government to show more friendship than they have shown to *khandsari* sugar. They ought to give up altogether the imposition of an excise duty to the extent of ten annas even on *khandsari* sugar. I believe probably the Government wish for the extinction of *khandsari* industry; at any rate, I do not know whether

they could altogether be ignorant of an important Committee like the Indian Sugar Committee of 1920 almost reconciling itself to the extermination of *khandsari* industry, for they make this observation. They say its process is wasteful, they say that it is doomed to die. Paragraph 278:

"On the basis of the extraction we have mentioned above (the process which they have described) this is equivalent to 11 maunds of *rab* to 100 maunds of cane. The wastefulness and inefficiency of the process are sufficiently demonstrated by its net result, which is four per cent. of sugar only as against 9.5 per cent., which we estimate as possible in a thoroughly efficient factory. In these circumstances, it is obvious that the industry would be unable to withstand the competition of factory sugar."

I admit that Government have recognised to a certain extent that the factory competition could not be withstood by *khandsari*, and, therefore, they have given a concession by imposing Rs. 1-5-0 on factory sugar and ten annas on *khandsari*. But this concession cannot keep the *khandsari* alive, because competition is very, very keen, especially after the protective duties on the Java competitor, a rival of the Indian factory, the competition of the Indian factory has become very keen, very acute, very unbearable, formidable, as I know, in the Rohilkund Division of the United Provinces, a Division that produces the largest quantity of *khandsari* in India. We are not satisfied, and I hope that Government will yield to us in this matter and accept the amendment of Mr. Reddi, so that Government may tell the world that, so far as the poor cottage industrialist is concerned, so far as the man who lives by the sweat of his brow is concerned, he has got the sympathy of Government. *Khandsari* people have no wealth behind them, and, in these days of economic depression, are they to be thrown to the wolves of hunger? Are they to be thrown to unemployment? Again, there is the question of the factories not being a certain item in the industrial life of the country. If all the moanings of the factory agitators outside in the country and the factory supporters inside this House be true, they say that their machines are not good enough, they say they may not stand the wear and tear, they say they may go out of existence if this state of things continues, if this duty is to be imposed. Taking them at their word, if the factories are to go out of existence, if the factories are not to do work, at any rate, the *khandsari* must not be made to go out of existence by this excise duty. For, Sir, the *khandsari* have lived so many years in this country in spite of the prejudice that has always existed against them and which has accumulated recently. It is that prejudice to which the Indian Sugar Committee gave expression . . .

Mr. B. Das: But the Tariff Board snubbed the Indian Sugar Committee.

Mr. C. S. Ranga Iyer I am coming to that. The Indian Sugar Committee say: it is obvious that they would be unable to withstand the competition of factory sugar. If it is obvious, why not remove altogether the duty on *khandsari*, but the Indian Sugar Committee, in fairness I must note, say in the same sentence, they say in a governing clause it would be obvious that it would be unable to withstand the competition were it not that its product commands a special market and sentimental reasons bring in a considerably higher price for it than rules for factory sugar. (*Mr. G. Morgan*: "Hear, hear.") My friend, *Mr. Morgan*, says

[Mr. C. S. Ranga Iyer.]

"Hear, hear". I know he wants to extend the Gandhi cap to the *khandsari*. Mr. B. Das said yesterday that they should dodge this Act by putting 18 men or 19 instead of 20. Mr. Morgan says 19½. I suppose he means 19 men and a baby, but child workers are prohibited, I believe, even by *khandsari* etiquette. I was saying that the *khandsari* people will be constantly subjected to surveillance to find out whether they are employing 19 people or 21, and they will also be driven to dodging. Should there be this dodging? Should there be this encouragement to dodging and should there also be this surveillance which will not be viewed with sympathy by the village people? It may result in clashing reports of two officers. I do not want that the *khandsari* should come under the surveillance, but should be given a free and unfettered existence. We are living in a mechanical age, a chemical age, and if we are going to put fetters on the poor *khandsari*, the village and the cottage industrialist, then I can only say that we are striking against the sentiment of the people, because, on the admission of the Indian Sugar Committee, it is sentiment that makes the Indian buy the *khandsari* sugar. The Indian Sugar Committee hopes that sentiment will die. It says: If the prejudice against factory sugar disappears, as there is every reason to believe it will, this *khandsari* sugar is doomed to extinction. Is this the consumption which the Government want to hasten? Must they precipitate the extinction of *khandsari*? Must they kill out of existence a very ancient industry which we want to preserve, just as we want to preserve the village handloom? We want that the Honourable the Finance Member should assure us that he will accept Mr. Reddi's amendment, failing which he will take the earliest step to abolish this imposition of ten annas on an industry which cries to live. My friend, Mr. B. Das, put a question—has not the Tariff Board snubbed the Indian Sugar Committee? Has not the Tariff Board been snubbed by both sides of this House? am not today dealing with snubs. I am dealing today with a rub in the way of the *khandsari* industry in Rohilkund. That rub is increased by this ten annas imposition and that rub must be removed if there is to be satisfaction, some peaceful feeling and contentment among the villagers of Rohilkund. In these days of depression and economic misfortune, we have a right to beg of the Finance Member to show a little more consideration to the poor *khandsari* than he has been able to show so far.

Mr. M. Maswood Ahmad: I rise to support the amendment of my friend,

1 P.M. **Mr. Reddi.** My idea in this connection is that there should not be any duty on sugar, but I know that we cannot carry any amendment unless it is accepted by the Government. So I want to draw the attention of the Government that this *khandsari* sugar is really an agricultural concern and not an industrial concern.

My Honourable friend, Mr. Morgan, spoke yesterday, but, being a European, he cannot realise the real position in the country. He knows only two things and that is industry and shooting. In this connection, I will tell a story. A boy went to see the town with his father and he first saw a small bird. He asked his father what it was. The father said it was a bird; then, he went on further, and he saw a big goat, and he was told that it was *papolia*. He went further and saw an elephant. He asked his father and was told that it was an elephant. When he was

returning he saw a camel, and his father asked him what it was. He said it was an elephant. The father said, it was not an elephant. Then he said it must be *papolia*. When the father said that it was not, the boy said that it must be a bird. So, in this way, my friend knows only two things. I assure my friend that this is really an agricultural concern.

First of all, I want to say that the production of *khandsari* sugar is diminishing every year and this is an important factor which should be remembered by my friend. Sugar-cane production in factories has increased. In 1931-32, it was 1,58,581 tons. In 1932-33, it went up to 2,90,000 tons and in 1933-34, the Government estimate is for 5·86 lakhs. The production in *khandsari* is diminishing. In 1932-33, it was 2·75 lakhs of tons, while in 1933-34, the estimate is that it cannot go beyond 2·60 lakhs. In this way, the production of *khandsari* sugar is going down every year, and if you will see the cane which is crushed in factories you will see a marked difference. The quantity of cane crushed in factories in 1931-32 was 17·83 lakhs of tons, while in 1932-33, it became 33·50 lakhs of tons; while in *khandsari* the crushing of the sugar-cane went down to this extent that in 1931-32, it was about fifty lakhs of tons, and in 1932-33, also, it remained practically the same. So there was absolutely no increase in the amount of crushed sugar-cane and there was no increase in the production of sugar in spite of the protective duty on sugar. Then, you will also find that while the number of sugar factories have increased during the last two or three years to a large extent, the number of *khandsari* factories has not gone up. The figures are here, but I do not want to quote them all. I wish to assure the House, however, that this is a fact that the number of *khandsari* sugar factories has not gone up. Then, I shall quote only one more figure at this juncture, and it is this. You will find that the percentage of cane used in factories during 1923-24 was 1·3, while in 1933-34, the estimate is that cane will be used in the factories to the extent of about ten per cent, while the figure for the cane used in making sugar from *khandsari* is practically the same—3·1 in both years; in certain other years it went down and it went up in certain other years, but in only one year I find it went up to 3·2 per cent. So practically the number of factories where sugar is made by means of *khandsari* has not increased, rather it has decreased, and the percentage and the weight of sugar-cane used in these factories is decreasing year by year. So absolutely this *khandsari* business is not prospering.

Sir, the main reason for levying this excise duty on sugar was that the owners of sugar factories were making large profits. The proof of that is that the number of sugar factories is increasing and the percentage of sugar-cane used there is also increasing, while this *khandsari* business is a losing concern. This concern, Sir, happens to be the only alternative now for the agriculturist, because all this sugar-cane cannot be used in these factories. The roads in this country are not so good that all the sugar-cane from a whole area can be taken to sugar factories. The factories are now at a distance of something like twenty to thirty miles from villages, and it is not possible to take all the sugar-cane from all those areas to the station and then to transport it to the factories. So, Sir, this is the only means for the agriculturist, namely, to have small crushing factories in these areas and to refine their sugar. Then, in this connection, I want to quote one sentence from the Indian Tariff Board Report. They also,

[Mr. M. Maswood Ahmad.]

Sir, have supported the idea which I have mentioned that the *khandsari* sugar business should be supported. They say on page 51, paragraph 44:

"It appears, therefore, that an effort should be made to support the *khandsari* system both as holding an important position in the agricultural system of the United Provinces and as constituting an outlet for surplus cane which may be produced in the next few years."

When, Sir, it is not possible to take all the sugar-cane, the surplus sugar-cane grown in villages is converted into *rab* and *gur*, and, after that, sugar is produced from this. If you will consider the percentage of sugar which they get by means of this system, you will find this to be stated:

"It will thus be seen that the return from one hundred maunds of cane manufactured into *gur* and then refined into sugar is five and a half maunds of sugar, as against nine maunds obtained by the manufacture of sugar direct from the cane."

This is the percentage of production by means of the big factories—they get nine maunds of sugar out of a hundred maunds of sugar-cane, but by means of these refineries they get only five and a half maunds of sugar out of the same amount of sugar-cane; and, further, you will find that the quality of sugar which they produce is inferior. This is brown sugar. This is not as white as the sugar produced in the regular factory. The price in the market is also very low; and as the profit is very low, this *khandsari* business is not increasing, but rather decreasing; and the danger was really foreseen by the Sugar Committee that if this was the situation, then they thought that very soon this industry would not remain in this country; and I say that if this *khandsari* business will not remain in this country, the net result will be that really the agriculturist will suffer.

There is another point. You will find from the Report of the Tariff Board and also from the speeches of Government Members that no investigation has up till now been made in connection with this *khandsari* business. They are not in a position to say what is really the number of *khandsari* mills. They are not in a position to say whether they are making any profits at all. They are not in a position to say whether this industry requires further protection or not. I think, Sir, that this *khandsari* business requires further protection, not only from the imported sugar, but from the sugar which is manufactured in the factories within this country. (Hear, hear.)

Then, the other question comes up—what should be the ratio? The Government do not know what should be the fair selling price for this industry, they have not worked out all these things, how then are they in a position to say what duty should be levied on this sugar? When they have mentioned that an investigation should be made in the case of palmyra sugar, I think this is also a fit case for investigation, so that the Government may consider whether it deserves any excise duty or not. Then, Sir, it has been suggested that if we are going to exempt the industry from this duty, the result will be that they will not be in a position to have sufficient money to carry on their business according to their Budget proposals.

In this connection, I say that there are five points which ought to be considered. The first point—and I hope the House will not fail to note it—we have increased certain duties which were sought to be levied in the

Finance Bill. By that means the Government will get a certain amount of additional duty to compensate them for the loss incurred in exempting this *khandsari* sugar. The second point is that we passed the other day the Indian Tariff (Textile Protection) Amendment Bill. There also they have increased the taxation on certain items, and that is also a source of additional income to them. My Honourable friend, Mr. Bajpai, says, "No, no".

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): I said nothing.

Mr. M. Maswood Ahmad: I am glad Mr. Bajpai admits that there will be

Mr. G. S. Bajpai: I neither admit nor contradict. I have no part or lot in this discussion.

Mr. M. Maswood Ahmad: Well, certainly, all these measures will give more money to the Government than they had expected at the time of the Budget. At the time of the Budget, they expected only nine annas a pound, but now, from hosiery, they will get 12 annas per pound, and there are many other things from which they will get more money than they expected at the time of the Budget. So, if they exempt this *khandsari* business, they will not be put to trouble in any way.

The next point that I wish to make in this connection is this. They have brought in a new Bill for imposing a new duty on lighters and that will also be another source of income to them and that also they did not expect at the time of the Budget. The last point that I wish to emphasise is that the amount which they expected to give to the Treasury of His Majesty's Government will not be required now and that will be another saving to them. Taking all these savings into consideration, I do not think I am wrong when I say that the next year's Budget will be a surplus Budget, and, therefore, there will be absolutely no trouble if they exempt this industry.

Now, Sir, I have finished my points, but I would like to have some information from my Honourable friend, the Finance Member, on certain points. The first point I want to know is, whether the *khandsari* factories will be worked by means of hand or by means of bullocks and whether they will also come under this Act or not?

The Honourable Sir George Schuster: I have already specifically answered that point and indeed I answered practically the whole of my Honourable friend's case yesterday. Let me repeat that, power refers not to hand or animal power, but to machinery power produced by steam or electricity. Let me also repeat what I said yesterday that so far as the *khandsari* sugar industry is an agricultural industry and is concerned with small concerns in the villages, it is almost certain that it will not come under the provisions of this Act. (Applause.)

Mr. M. Maswood Ahmad: The second point on which I want information is whether the number of workers of these factories will be diminished this year after this Bill has been passed. Will they take it into account

[Mr. M. Maswood Ahmad.]

that last year there were 20 or more than 20 labourers and so they will tax it or not? The last point on which I want information—and I did not get information on it yesterday—is whether the labourers who will be employed in cutting the sugar-cane and not in making the *rab* will be included in these 20 or not?

The Honourable Sir George Schuster: I really do not know whether my Honourable friend was in the House yesterday or not, but he has certainly not listened to my speech. Obviously, it is quite clear that men, who are engaged on cutting sugar-cane and not engaged in the process of manufacturing the sugar within the precincts of a sugar factory, will not be taken into account. I would suggest to my Honourable friend—as he imputes ignorance of rural conditions to everybody else except to himself—I would suggest that he should go round and talk over this Excise Bill with his friends, the people who run small *khandsari* presses and sugar-making concerns in the villages, and, if he and they put their heads together, they will be able to find ways and means of evading the provisions of this Bill.

Mr. M. Maswood Ahmad: In this connection, I only want to say, Sir, that “*Dudh ka jala chhachh phunk phunk kar pita hai*”, which means that the man who has burnt his fingers by taking hot milk has to drink even “*chhachh*” cautiously. So, I want to have information on all these three points from my Honourable friend, the Finance Member. With these words, I support the motion moved by my Honourable friend.

Mr. President (The Honourable Sir Shanmukham Chetty): Before the House is adjourned for Lunch, the Chair would remind Honourable Members that according to the programme this Bill has to be finished today.

Mr. S. C. Mitra: We will finish it before 6 o'clock.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadian Rural): I rise to support the amendment moved by Mr. Reddi. *Khandsari* has played an important part in the economy of agriculture. It is known that a vast quantity of sugar-cane is raised by the agriculturists and a large proportion of the cane is turned into *khandsari* sugar by these middlemen. The big sugar factory also has now come to stay, and it is also using a large quantity of sugar-cane. It is certain that for a very long time to come the sugar-cane cultivators have to depend largely upon the *khandsaris* to make use of their cane. Therefore, whatever inefficiency the *khandsaris*

may have, one has to put up with it for at least some years, and it would not do to devise means to extirpate the *khandsari*, because, if he is gone, then the sugar-cane cultivation is likely to suffer. It is also explained here that the average extraction of juice from sugar-cane by the old wooden mills is very low. It will be a long time before accurate or efficient milling is available in all parts of the country. So the *khandsari* has to depend upon this inefficient milling. At the same time, he has to deal with a small quantity of sugar-cane, and, in boiling juice, he cannot make use of the vacuum pan system. There is, therefore, a good deal of wastage. It is also well known that the sugar produced by the *khandsari* is not so white or valuable as the sugar produced in the factory. Therefore, as his extraction of juice is low, as his turn-over of sucrose is also low and as the sugar manufactured does not command the same price as factory sugar, it stands to reason that his profits must be very very low, and, therefore, any amount of excise duty placed upon him will be very detrimental to his interest and it is likely that some of these *khandsaris* may have to close their business. The next Bill that is coming is intended to regulate the price of sugar-cane. If that is so, the price of cane also for the *khandsaris* will increase, and, in that way, the little profit that he has been making will also disappear. For this reason too, I think, the *khandsaris* should not be brought under the operation of this excise duty until a very exhaustive enquiry is made into the condition of this trade. The *khandsari* generally does not purchase cane direct, but he purchases his juice or *rab* and makes sugar from that *rab*. It happens that the *khandsari* generally sends his men outside among the sugar-cane cultivators and purchases his cane there and extracts juice and then converts it into *rab*. It is likely that these two operations will be performed by two different men in future or under two different names. Therefore, the actual turning of *rab* into sugar will be performed in a factory which may not employ more than 20 men, and, in that case, of course, no excise duty can be levied on sugar. -So if the present big *khandsari* factories are made into small units, then it means to say that inefficiency will grow more and more, and that is not good. If the *khandsaris* are allowed to erect bigger factories, then they will be able to employ more men and they will get better price. In that way, efficiency may grow and the turn out of sugar may be much higher. But, in the present circumstances, as the factories have to be taxed with excise duty, and a small factory with 20 labourers or less is not to be taxed at all, the tendency will be to have smaller and smaller units in order to avoid the excise duty, and, in that way, inefficiency may grow which is not desirable. I think the imposition of this duty in the absence of any enquiry as to how things are going on and what profits they are likely to make under the operation of the next Bill which is to regulate the price of sugar-cane, one cannot say how the *khandsari* sugar will bear the imposition of the excise duty of ten annas per hundred weights. Therefore, I support the amendment.

Mr. S. O. Mitra: Sir, I oppose this motion for attempting to exempt sugar produced by the *khandsari* process from the scope of this Bill, because I feel that it will nullify the effect and the whole purpose of the Bill. I shall subsequently show that my opposition does not in any way mean that I am opposed to encouraging cottage industries. It is clear

[Mr. S. C. Mitra.]

that this *khandsari* production of sugar is not at all a cottage industry, nor does it particularly help the agriculturist. There is a misapprehension in the mind of some Honourable Members that the manufacture of *khandsari* sugar is a cottage industry. It is absolutely clear in this Bill that any factory that employs power and engages more than 20 persons only come under the definition of a "factory" and their production alone comes under this taxation. So the real cottage industry which employs only a very few number of persons, much less than 20, will be outside the scope of this Bill. As regards the other point made by my Honourable friend, Mr. Maswood Ahmad, that *khandsaris* will not compete largely with factory made sugar, I shall show that it is absolutely wrong, because I find from the report of the Sugar Technologist at page 58, Table No. 14, out of 946,000 tons of sugar, that is estimated to be produced in 1933-34, as much as 300,000 tons will be produced from *khandsari* sugar alone which shows that nearly 30 per cent of the entire production comes out of this *khandsari* sugar. I think Mr. Maswood Ahmad is further wrong when he thinks that the production of *khandsari* sugar is going down. The figures are given in the very same table. The actuals in 1931-32 were 250,000 tons and the estimate for 1932-33 was 275,000 tons, and, for 1933-34, 300,000 tons; and the same is estimated for 1934-35. That shows that the production by the *khandsari* method is going up and that it produces as much as 30 per cent of the total production. From all this it will be clear that if this particular kind of sugar is excluded, then the purpose of the whole Bill will be nullified, and there will be a premium on this inefficient process of manufacturing sugar in this country. Even as regards the cane that is used in this process, referring to page 54, I find that in 1923-24 the cane used in the indigenous process was 400,000 tons, but now in 1932-33 it is 5,500 tons. That also shows that this *khandsari* sugar, manufactured by this particular process, is a very large quantity which cannot in any way be exempted from the scope of this Bill. Sir, if more authoritative opinion is necessary, I should like to read from the report of the Sugar Technologist to the Select Committee, where he says:

"Sugar is made in India by the following principal methods :

- (i) Directly from cane in modern vacuum pan factories.
- (ii) Refined in modern vacuum pan refineries from cane-gur, cane-rab, *khandsari* sugar or *palmyra jaggery*.
- (iii) From cane or cane juice in small scale open pan concerns. Under this head are included the following types :

(a) *Bel-Khanchi Khandsaris*.—These use no machinery. Cane growers crush the cane in animal power crushers (which are generally taken on hire) and sell the juice (not the cane) to the *khandsari* who converts it into *rab* in direct-fired open pans. The *rab* is placed in bags and molasses is squeezed out by applying pressure. The brown sugar thus obtained is then treated with moistened weeds and after it has become almost white, it is dried in the sun."

This particular kind of *khandsari* produced sugar will not come under the purview of this Bill. They produce about ten per cent of the *khandsari* produced sugar :

"(b) *Bel-Centrifugal Khandsaris*.—The process adopted is exactly similar to that described for the *Bel-Khanchi* system excepting that centrifugal machines (which may be hand or power driven) are used for separating sugar from *rab*. In a modification of this process, the *rab* boiler, working in villages, sells his *rab* to owners of centrifugal factories, generally located in towns."

Those that are driven by hand power will not come under the purview of this Bill. This is a kind of *khandsari* also and they produce 45 per cent of the total *khandsari* sugar.

"(c) Small Centrifugal factories.—These are a modification of the *Bel*-Centrifugal *Khandsaris* and are small concerns equipped with centrifugal machines, driven by oil engines or other sources of power, and making sugar from *rab* which is purchased from *bel* owners."

Some of them will come under the provisions of this Bill:

"These concerns are also generally large enough to be classified as factories.

(d) Open pan factories.—These represent a further stage in the industrialisation of small scale sugar manufacture. Such concerns generally have cane crushers driven by oil or steam engines or by electric motors. *Rab* is boiled in open pans as before and power driven centrifugal machines are used for separating sugar from *rab*.

Factories of this type differ from the modern sugar factories in point of size and also in respect of the much simpler machinery and process employed. But most of these concerns are large enough to be classified as factories under the Indian Factories' Act.

Although absolutely no statistics are available to show what proportion of sugar is produced by each type of open pan sugar industry, the following figures, based on experience, have been assumed here:

- (a) *Bel-Khanchi Khandsaris*—10 per cent.
- (b) *Bel*-Centrifugal *Khandsaris*—45 per cent.
- (c) Small Centrifugal Factories—30 per cent.
- (d) Open Pan Factories—15 per cent.

Total production by Open Pan process—100."

From this it is clear that, of the 250,000 tons of sugar that was produced in 1931-32 and the 300,000 tons that is estimated to be produced during the current year, more than half will be excluded as it will not come under the definition of "factory". And it is also clear that they will be competing with the bigger factories and they cannot be treated as cottage industries at all or as helping the agriculturists for which I am as much anxious as my other friends here. As regards their cost of production, I find, on referring to the volume of evidence in the report about the sugar industry, that one of the gentlemen who is very much concerned with the *khandsari* process itself, Lala Harsahai Gupta, B.A., Honorary Secretary, Zamindar and Farmers' Association, gives in his evidence detailed estimates and comes to the conclusion that the cost of manufacture of one maund of sugar is Rs. 2. And it has been found by the Tariff Board that the cost of production of the factory sugar will be about Rs. 2-11-0. From this also it is clear that their cost of production is less. So there will be very serious competition from these factories which are not at all to be considered as cottage industries in any sense of the term. If they are totally exempted from the duty, the large factories will in competition be compelled to go down with large scale production which will ultimately redound to the disadvantage of the sugar manufacture in India.

As regards the point that my friend, Mr. Ranva Iyer, raised that the sugar from the cane by this process is very low, by referring to the sugar expert's book on the Open Pan System of white sugar manufactured, I find on page 74 that according to the Bhopal process they get as much as 7-76, while by the Rohilkund process, they get as much as 6-75,

[Mr. S. C. Mitra.]

while the average for the sugar industry by the big factories in India comes to 8.66 according to the Sugar Technologist's estimate. So, here also, we find that the sugar extraction is not so low as has been thought by my Honourable friend, Mr. Ranga Iyer. On these grounds, I find that there is no necessity why they should be altogether exempted, and the Tariff Board in its report made no difference between the sugar produced by these large factories and by these smaller factories known as the *khandsari* process. In this connection, I should like to refer to one novel principle which has been enunciated by my Honourable friend, Dr. Ziauddin, this morning, that the Select Committee should not judge or infer or draw their own conclusions from the facts supplied by the Tariff Board, and they are merely to accept them. I agree so far that great respect is due to all the inferences that are drawn by the Tariff Board, and as regards factories we have no other course open to us but to rely on them. But as regards the inferences the Select Committee would have been failing in its duty if it did not draw its own inferences, and it is their legitimate duty to form their own judgment on these matters.

With regard to the other point raised by my friend about the representation of the sugar interests in the Select Committee, I agree with him that it is quite proper and graceful for those who are much interested in an industry not to seek election to the Select Committee which is appointed to examine that particular industry. We would appreciate their value more if they appeared before the Committee as witnesses than if they sought election to the Select Committee, because really the position becomes sometimes very embarrassing, but it must be ultimately left to the good sense of those members, and we cannot press that point too much. Sir, on the grounds I have stated, I oppose this motion.

Sir Muhammad Yakub: Sir, the case made out on behalf of Government for levying a tax on factory sugar is that they have lost income on account of the decrease in the import of foreign sugar. That is the only reason which has been given by the Government in justification of this duty. We have to see which kind of country sugar has been the cause for the decrease of the import duty. *Khandsari* sugar was in the country when Java sugar was imported, and Government had their full share of import duty. It is on account of the factory sugar alone that there has been a fall in the import of Java sugar, and consequently any loss in the income of Government has been due to that. Therefore, any justification for imposing an excise duty on sugar can be only on that sugar which has been the cause of loss of import duty, and not on *khandsari* made sugar which is not in fact competing with Java sugar. Government can only impose an excise duty on that sugar which has caused loss of import duty to them, and there is no justification for imposing any duty on the country made sugar. My friend, Mr. Mitra, was not right when he said that the production of *khandsari* sugar was increasing. I do not think so. My friend, Mr. Maswood Ahmad, has quoted figures to show that there is no increase in the manufacture of *khandsari* sugar. Moreover, the produce of the factory made sugar in the country has made it very difficult for the *khandsari* to prosper, because naturally when the people get white crystals from factory made sugar as cheap as *khandsari* sugar, they will not care to go in for *khandsari* sugar which is not of such a superior quality. Therefore, it is

not right to say that there has been an increase in the manufacture of *khandsari* sugar, and as the Government have lost nothing on account of the *khandsari* sugar, they cannot lay any claim on the profits of the *khandsari* and any attempt to levy an excise duty on *khandsari* sugar cannot be justified. I do not want to repeat the arguments adduced by my friends this morning. I support the amendment moved by my friend, Mr. Maswood Ahinad. Of course, we do not claim any exemption for the factories which are run by machinery. We claim exemption only for indigenous cottage industries

The Honourable Sir George Schuster: My friend says that he does not want to claim any exemption for factories which are run by machinery, by which I presume he means power machinery. Then he gets all that he wants in the Bill.

Sir Muhammad Yakub: If we get all that is wanted in the Bill, then why should not the Finance Member oblige the *khandsari* and accept the amendment, or say in clear terms that there will be no excise duty on *khandsari* sugar which is made by hand and in which no machinery or power is employed. If the Honourable Member makes it quite clear, then we shall have no objection.

The Honourable Sir George Schuster: I cannot make it clearer than it is in the Bill. If my friend will read the definition of factory, he will realise that we cannot levy a duty on any sugar which is produced in any concern which is not run by power and which does not employ twenty hands or more. I have already several times explained that we believe that that will exempt the whole of the industry for which all Honourable Members have been pleading, for what they called the genuine cottage industry or the agricultural part of the industry. We shall get duty from factories, run not by agriculturists, but by *Banias* in towns like Bareilly which, from our point of view, are indistinguishable from the larger factories and which work by the vacuum pan process.

Sir Muhammad Yakub: It is only the addition of the word "twenty" in the definition that has created all this difficulty, and if that is solved, then personally I shall have no objection.

Mr. President (The Honourable Sir Shanmukham Chetty): It must satisfy both the conditions. It must use power machinery, and it must employ not less than twenty men. Both factors must be present.

Dr. Ziauddin Ahmad: The difficulty is that on one single day in a year a larger number of people work in these factories when sugar-cane juice is brought in and get all the work done.

The Honourable Sir George Schuster: Sir, I must oppose this amendment. I have already made my position clear so many times that I think no repetition of my arguments is required. I would say again that we believe that none of the industry which has earned the sympathy of this House or on whose behalf several Members have spoken, none of that industry will be caught by this measure. On the other hand, as my friend, Mr. Mitra, has pointed out, to exempt the *khandsari* sugar

[Sir George Schuster.]

which is produced in factories run by power machinery would be to give artificial encouragement to an industry which is working by a less efficient method than the method employed by the larger factories. I think it will be wrong to do that, and on those grounds, it is absolutely necessary that some duty should be levied on *khandsari* sugar. We have gone a very long way to meet the point made as regards the sugar being made by less efficient methods by agreeing to a reduction of duty to ten annas. I am not at all sure myself that we have not gone too far. That however, at least, gives us a reasonable compromise basis on which to start the operation of this measure, but I am quite certain that the point made by my friend, Sir Muhammad Yakub, is really met by the Bill as it stands. On those grounds, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:|

"That in sub-clause (2) (ii) of clause 3 of the Bill, after the word 'except' the words '*khandsari* sugar and' be inserted."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment No. 15 standing in the names of Mr. Ramakrishna Reddi, Dr. Ziauddin Ahmad, Raja Bahadur Krishnamachariar and Mr. Ranga Iyer is consequential on the one just disposed of.

Mr. T. N. Ramakrishna Reddi: No, Sir. This is for total

Mr. President (The Honourable Sir Shanmukham Chetty): What is the amendment the Honourable Member is referring to? Will he please refer to the one which I have just mentioned? That one is consequential on the amendment that has been disposed of, and, therefore, that goes. Now, we have to take the amendments which seek to reduce the duty on *khandsari* sugar

Mr. T. N. Ramakrishna Reddi: I find the number given in my list is wrong.|

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member must have an upto date list before him.

Mr. R. Das: My friend is so disappointed.

Mr. T. N. Ramakrishna Reddi: Sir, I move:

"That in sub-clause (2) (i) of clause 3 of the Bill, for the words 'ten annas' the words 'four annas' be substituted."

I really want to correct the wrong impression which has been created by the speech of my friend, Mr. Mitra, just now. My friend said that the recovery from *khandsari* sugar is in some cases about 6·7 or in other cases seven per cent, whereas in factories it is about eight per cent. He quotes from the book of Srivastava and refers to the recoveries from the

Bhopal pan system or whatever system it is. The Sugar Technologist might have carried on an experiment under favourable circumstances, and he might have arrived at this conclusion. It might be an individual instance, but I will prove from facts given by Mr. Srivastava himself that it cannot be true in all cases. My Honourable friend referred to the amount of sugar that is produced by *khandsaris* and he referred us to page 58 of Mr. M. P. Gandhi's book. Therein the Sugar Technologist says, the total production of factories is 646,000 tons and of *khandsaris* 300,000 tons.

The learned author has immediately contradicted these figures and on page 59 he says:

"The estimate of the Sugar Technologist has gone far wrong even for 1932-33 and will turn out still more incorrect in 1933-34 and 1934-35 as a result of the large extension in plants, and the large number of mills, etc."

Those figures given by the Sugar Technologist are not sacrosanct, and I will prove, taking for granted that these figures are correct, that the recoveries cannot be seven per cent for the *khandsari* and eight per cent for the factory. At page 54, we find that the crushing of cane for 1932-33 by the factories is about 55 lakhs of tons, and the cane crushed by these indigenous processes is also 55 lakhs, that is to say, an equal amount of cane has been crushed both by the factories and by the *khandsaris*. What is the sugar that is produced by both according to Mr. Srivastava? The sugar that was produced from the factories is 646,000 tons, whereas that produced by the *khandsaris* is 300,000 tons. It is clear that the recovery for *khandsari* must be less than half of what it was in the case of factories. That means that if the factory got nine per cent, the *khandsari* must have got a recovery of four or 4½ per cent, and not more than that. Or else how can you explain this phenomenon that the factories produced 646,000 tons of sugar and the *khandsaris* produced 300,000 tons out of an equal quantity of cane crushed? We find from the Tariff Board report which is quoted by this learned author that the recovery from the *khandsaris* is only 5.25 per cent. He says that even 5.25 is excessive and it should be about five per cent.

My Honourable friend said that we should not encourage this un-economic method, this *khandsari* method. You cannot have factories throughout the country at short distance as you find in the United Provinces. All other provinces, Bombay, the Punjab, Madras and other provinces, have very few factories.

Mr. S. C. Mitra: How many in the whole of India?

Mr. T. N. Ramakrishna Reddi: For the whole of India there are 155 factories of which United Provinces has got 75, and Bihar and Orissa 37, whereas the Punjab has got only 12, Madras 13, out of which two are in Indian States, Bombay ten, Burma two and Bengal six. The area of all these Provinces is greater than the area of the United Provinces. Thus you will find that there will be one factory for a number of miles and it is quite essential, therefore, that this *khandsari* method of sugar producing must exist if the cane growers have to get a price for their cane. They cannot carry their cane a hundred or two hundred miles to the factories. There are very few *khandsari* factories. Statistics are

[Mr. T. N. Ramakrishna Reddi.]

not available, and the cost of production has not been authentically calculated, and the Finance Member himself has confessed that there are not sufficient data to know how many *khandsaris* will come under this definition and statistics are not available. On a similar ground the palmyra sugar has been excluded, namely, they do not know what effect would be produced on the palmyra sugar industry if any tax is levied. Let the Government make an investigation into the facts of the case,—what is the cost price of sugar, how much recovery is made by the *khandsari*, and what profit the *khandsari* would get if an excise duty is levied. And, then, if you are justified, levy not ten annas, but one rupee, but that will be done with your eyes wide open. But now you are doing it blindly and the effect of this duty that one can foresee will be disastrous to the *khandsaris*. As I have pointed out, they deserve total exemption, but if not total exemption, the duty should be something less than what the Select Committee has recommended. I must thank the Select Committee for showing some consideration, but yet they have not shown the consideration that is deserved by these *khandsaris*. Hence, I submit that the duty should be four annas.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved;|

“That in sub-clause (2) (i) of clause 3 of the Bill, for the words ‘ten annas’ the words ‘four annas’ be substituted.”

After discussion and disposal of this amendment, amendments Nos. 17 and 18 will be simply formally put to vote if Honourable Members want it, but discussion will take place on this amendment regarding the desirability or otherwise of a reduction of the duty on *khandsari* sugar.

Dr. Ziauddin Ahmad: All these amendments may be moved first, and then we can discuss the whole thing. But if they are moved afterwards, then we may have to speak again on them.

Mr. President (The Honourable Sir Shanmukham Chetty): That is a matter of procedure. Honourable Members can make their speeches now and the other amendments will be simply put to the vote if desired.

Mr. S. C. Mitra: Might I suggest that it would be more formal if these amendments were moved first and then discussion went on?

Mr. President (The Honourable Sir Shanmukham Chetty). The Chair has no objection to that, but Mr. Ramakrishna Reddi will be in an awkward situation if he is asked to move his amendment for six annas. He is moving one amendment for four annas and he will be called upon to move another amendment for six annas. That will be rather awkward for him. Bhai Parma Nand may move his amendment for five annas if he wants to.

Bhai Parma Nand (Ambala Division: Non-Muhammadans): I do not want to move.

Mr. O. S. Ranga Iyer: Following the principle that half a loaf is better than no bread, I hope the Finance Member will feel a little merciful towards the voiceless *khandsari* of the U. P. They have not got the excellent broadcasting loud speaking organisations of the factory people. They have not been able to carry on a raging and tearing campaign in the country. They are not able to issue leaflets, pamphlets and newspapers articles, and they have been dependent more upon the justice of their cause which illumines their case. I admit, even though voiceless, the Finance Member and the Select Committee have made some distinction, that is, Rs. 1-5-0 and ten annas. But ten annas even is a very heavy burden on the poor *khandsari* and that is why Mr. Reddi very rightly wants it to be reduced further to five annas. If this is done, it will be somewhat helpful; it will not be in any case so unhelpful as the ten annas imposition. As I said yesterday, take Shahjahanpur, the home of *khandsari*. There, from the village after the juice is taken and boiled, it is brought to the city and they have to pay between two to three annas for carting, and they have to pay one anna as municipal tax per maund. These are difficulties which do not face the factory people. I am anxious that the Honourable the Finance Member should realise the difficulties of these people at a time when financially they are in very low water. I hope that Mr. Reddi's appeal has not fallen on deaf ears and I hope that the Honourable the Finance Member will be moved to sympathise the *khandsari*. Incidentally, I may also mention that he has not removed the apprehension whether manual labour comes under power. I know it does not, but that apprehension does exist among the village people and I hope he will take this opportunity to remove that apprehension.

The Honourable Sir George Schuster: I should certainly like to remove that apprehension in the mind of my Honourable friend, but I must leave it to him to remove it from the minds of the villagers.

Mr. O. S. Ranga Iyer: I am very glad he has removed this apprehension. The representatives of the villagers have approached me and they said surely manual labour does not come under the expression "power". Then he can say so on the floor of the House.

The Honourable Sir George Schuster: I have said so.

Mr. President (The Honourable Sir Shanmukham Chetty) He has said it so many times that the Chair will not allow him to say it again. (Laughter.)

Mr. O. S. Ranga Iyer: I must apologise to the Honourable the Finance Member. I was unfortunately not present when he was speaking and it is entirely my fault, and now that he has said so and you have put your own endorsement upon it, I hope this will be properly reported by the newspaper press, for real apprehension exists in the mind of the uneducated villagers that they are too roused in by this excise duties Bill.

Now, I am only pleading for those *khandsari* who use water power, steam power or electric power. They have competitors in the formidable factory people who are thriving no doubt on the heavy protection that the Government have given against Java imports and as they are thriving like the green bay tree and as it has not prevented them, in spite of their prosperity, to cast evil eyes on *khandsari*, I hope that Government will come to the rescue of the *khandsari* and reduce this imposition.

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Members of the Select Committee did consider this question of the *khandsari* when it came before them. We all knew that *khandsari* is a cottage industry and the *khandsaris* were working in the villages, and, if there were any who were working by machinery, they were the people who were not agriculturists actually, but they were those very people who although they may not have been rich millionaires who have established big mills; they were *banias* and *mahajans* and those moneyed people, who had not much money with them, but still they could gather some of these cultivators and ask them to bring their sugar-cane to their *khandsaris*. We were convinced in Committee that we would carry rupee one as the excise duty and that *khandsari* people will not be affected so much if we reduced it from one rupee to ten annas. Now, my friend, Mr. Reddi, has brought this amendment that from ten annas we should go down to four or five or six annas. We on this side of the House will not in any way stand in the way of Government reducing the duty if they are convinced that the case of the *khandsari* as a cottage industrialist deserves sympathetic consideration. We know, as a matter of fact, that Government have raised the duty to 1-5-0, and I do not see that there is any very great unreasonableness in this amendment of my friend, Mr. Reddi, and I support it.

Mr. Muhammad Yamin Khan: I do not know how this duty has been retained in this Bill in the Select Committee and what is the reason. One can see that it is the greed of the people who put up the factories to monopolise even the little trade in the hands of *khandsaris*. They want that this should be absolutely abolished and this Bill will have justification if the *khandsari* ever received any kind of protection by the duty which has been increased. As a matter of fact, it is the *khandsari* who was the real producer in India and who was producing *khand* and sugar of a particular kind in India before the sugar started being imported from Java. When Java sugar came in, it destroyed the business of the *khandsaris* and the result was that when sugar was sold at three seers or two seers or $2\frac{1}{2}$ seers per rupee, the *khandsari* had to sell at the same rate. In spite of that, there is an orthodox Hindu class who do not touch Java sugar, because it is said that in Java the purification is done by some process which goes against their religion, and for that reason it was only *khandsari* sugar that was consumed in their marriages and marriage ceremonies. Those were the only factors which kept this industry going. Otherwise, it would have been abolished long ago. This *khandsari* business is neither protected by this duty, nor has it affected the producer or the consumer. Whatever the price at which it sells, he would not get a competitor. The competition can only come with the sugar manufactured in the factories. The raising of the protection duty had no effect on the production of the *khandsari* sugar. It is going on as previously. The price has neither fallen nor risen on account of that. When people get more educated, they will begin to consume the sugar made in the factories and then the *khandsari* will have to suffer. The *khandsaris* can never produce sugar at the price at which the factory people can produce it. The only aim of the manufacturers in India is to put up a kind of duty on the *khandsari*, so that he may be forced to go out, because he would not be able to compete. The consumers in India have not the same prejudice towards sugar produced in India as they have against Java sugar.

Bhai Parma Nand: May I remind the Honourable Member that the Bill was not framed by the manufacturers of sugar, but by the Government, and they had included *khandsari* factories in that Bill.

Mr. Muhammad Yamin Khan: My Honourable friend has not followed my argument at all. I cannot repeat the same thing over and over again. Unless it is shown to the House that the *khandsari* received a kind of protection, on account of the rise in the duty, there can be no justification for imposing any excise duty on *khandsari*, especially when this was not done originally by the Government at all. If there was any data in the possession of Government that the *khandsari* is receiving or he is selling at such a price that he is making these profits, then they could have some justification for doing this, but then it would have been the Government's business to come up in the very beginning with such a proposal with full facts. Sir, I am not in favour of any duties being increased or rather introduced when a Bill goes to Select Committee. If the Government themselves are not in possession of the full data, they must wait for the next year or they must bring in a separate Bill later on with full facts, which they must then place before the House; but, in the beginning, a certain Bill was introduced on the basis of certain facts which were laid before the House, the House proceeds to judge the Bill on the basis of those facts, Members make speeches, and, all of a sudden, from the Select Committee emerges a new scale of duties

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Honourable Member was not present here when the discussion was going on for two days. This point was elaborately mentioned repeatedly by a number of Honourable Members, and, on more than one occasion, the Honourable the Finance Member explained that it was the intention of the Government originally to tax *khandsari* sugar and that intention has not been changed in the Select Committee. What the Select Committee have done is to reduce the duty on *khandsari* sugar.

Mr. Muhammad Yamin Khan: I am not concerned with what the Government's intention was. I am saying that two days' time is not sufficient for us to collect the data. If we had known from the beginning what the intention of the Government was before going to Select Committee, we could verify those facts from our constituencies

The Honourable Sir George Schuster: Does not my Honourable friend gather our intention from the wording of the Bill? The wording of the Bill remains exactly the same.

Mr. Muhammad Yamin Khan: Sir, the wording of the Bill, as far as I can see, has been changed

The Honourable Sir George Schuster: Not in that respect.

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Chair would ask the Honourable Member to resume his seat, because he is reopening a point which has been thoroughly discussed already.

Mr. Muhammad Yamin Khan: If this matter had been discussed before, I would certainly have no justification in reopening this issue.

Mr. President (The Honourable Sir Shanmukham Chetty): It was discussed.

Mr. Muhammad Yamin Khan: If that is your ruling that it has been discussed and disposed of and that no Member is entitled to talk on the issue which has come up before the House through an amendment, then I have got nothing further to say except that I support the amendment which has been moved by my Honourable friend. Whether Government have given any justification or not, I am not content with any speeches which have been made, and I think that the duty should not have been imposed; but even if it comes to four annas, I should be much satisfied.

Dr. Ziauddin Ahmad: Sir, I have been a student in school, I have been a teacher also for a very long time, and I think that the kind of treatment which the students receive from the teachers really ends in the school and that the experience may not be continued in the latter portion of our lives. Sir, there is one point which I have been emphasising throughout the last three months and my emphasis or rather over-emphasis has been misinterpreted or misunderstood. The point I have been emphasising is that we cannot vote in a matter of taxation either by lottery or by canvassing or by an appeal to personal interests. We can only vote on the facts which may be laid before us as a result of an independent inquiry either by the Tariff Board or by a special officer appointed by the Government, and this is the point I have repeatedly brought out and I shall repeat it whenever an opportunity arises. Now, if the Government are satisfied, after themselves making a thorough inquiry, that this is the right duty, I have nothing more to say. I should expect that they would get an independent officer to calculate what is the amount of the *khandsari* sugar produced in this country and what is really the total output, what is the income, whether the industry can pay, and so on and if the Honourable Member is satisfied that this industry can pay this amount, I individually would have no objection, but I would have great hesitation in voting simply by means of lottery or by means of canvassing or simply according to my own fancy.

The Honourable Sir George Schuster: Sir, in answer to what my Honourable friend has just stated, I would say to him that we stand on the principle which he himself has enunciated in this matter, namely, that we adhere to the recommendations of the Tariff Board. It is quite true that in this particular respect, with particular reference to *khandsari* sugar, it might be argued that we have adopted an arbitrary rate which was not recommended by the Tariff Board,—that is to say, that we have reduced the difference between the import duty and the excise duty to a figure which was not recommended by the Tariff Board. My Honourable friend would be quite logical in taking that line. But we did feel on broad grounds that there was some justification for making a distinction between *khandsari* sugar and sugar made in modern factories; and, as regards that, we have some support from the Tariff Board Report in two passages emphasising the value of the *khandsari* processes of manufacture. On page 22, they say:

“The system of manufacture is of importance in the transitional stage of the industry since it can be undertaken in tracts where, either owing to want of communications or the scattered nature of cane areas, manufacture in central factories is at present impossible”.

And then they go on on page 51 to say:

“It appears, therefore, that an effort should be made to support the *khandsari* system both as holding an important position in the agricultural system of the United Provinces and as constituting an outlet for surplus cane which may be produced in the next few years”.

On those general grounds, taking into account the fact that the *khandsari* process is undoubtedly less efficient than the processes in modern factories, we felt there was some reason for giving a concession to the *khandsari* process and allowing it to stand at ten annas instead of one rupee and five annas. I quite admit that the exact level is rather a shot in the dark; and I have already stated that we may have gone too low, but we think, on the evidence before us, that that is a sound position to take up. We must certainly object to all these amendments which will seek to take the duty still lower. Therefore, all that I have to say now about four annas also applies to five annas and six annas. On these grounds, I oppose the motion.

Mr. President. (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (2) (i) of clause 3 of the Bill, for the words 'ten annas' the words 'four annas' be substituted."

The Assembly divided:

AYES 22.

Abdul Matin Chaudhury, Mr.
Dutt, Mr. Amar Nath.
Fazal Haq Piracha, Khan Sahib
Shaikh.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Ibrahim Ali Khan, Lieut. Nawab
Muhammad.
Ismail Ali Khan, Kunwar Hajee
Jadhav, Mr. B. V.
Jog, Mr. S. G.
Mahapatra, Mr. Sitakanta.

Maswood Ahmad, Mr. M.
Mudaliar, Diwan Bahadur A. Rama-
swami.
Nihal Singh, Sardar.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Sen, Pandit Satvendra Nath.
Thampan, Mr. K. P.
Yakub, Sir Muhammad.
Yamin Khan, Mr. Muhammad.

NOES 48.

Abdul Aziz, Khan Bahadur Mian.
Ahmad Nawaz Khan, Major Nawab.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Bagla, Tala Rameshwar Prasad.
Bajpai, Mr. G. S.
Bhore, The Honourable Sir Joseph.
Chatarji, Mr. J. M.
Cox, Mr. A. R.
Clow, Mr. A. G.
Dalal, Dr. R. D.
Darwin, Mr. J. H.
DeSouza, Dr. F. X.
Graham Sir Lancelot.
Grantham, Mr. S. G.
Haig, The Honourable Sir Harry.
Hardy, Mr. G. S.
Herlett, Mr. J.
Hudson, Sir Leslie.
Ismail Khan, Haji Chaudhury
Muhammad.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur
Sardar Sir.
Lal Chand, Hony. Captain Rao
Bahadur Chaudhri.
Lindsay, Sir Darcy.

Macmillan, Mr. A. M.
Metcalfe, Mr. H. A. F.
Millar, Mr. E. S.
Mitchell, Mr. K. G.
Mitter, The Honourable Sir
Brojendra.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherji, Mr. D. N.
Mukherjee, Rai Bahadur S. C.
Noyce, The Honourable Sir Frank.
Rafiuddin Ahmad, Khan Bahadur
Maulvi.
Rajah, Rao Bahadur M. C.
Ramakrishna, Mr. V.
Rau, Mr. P. R.
Russell, Lieut.-Colonel A. J. H.
Sarma, Mr. G. K. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar,
Captain.
Singh, Mr. Pradyumna Prashad.
Sloan, Mr. T.
Talib Mehdi Khan, Nawab Major
Malik.
Tottenham, Mr. G. R. F.
Wajihuddin, Khan Bahadur Haji.

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): Does the Honourable Member (Mr. T. N. Ramakrishna Reddi) want his next amendment which seeks to reduce ten annas to six annas to be put to the vote? He may move it formally.

Mr. T. N. Ramakrishna Reddi: I want to move it, Sir, with a few remarks. It runs as follows:

"That in sub-clause (2) (i) of clause 3 of the Bill, for the words 'ten annas' the words 'six annas' be substituted."

Sir, I will adopt another line of argument to press my case until it is heard by Government. Let them take the cost of production. **3 P. M.** Let us take 100 maunds of cane. Now, the Government want to fix the price of cane at six annas a maund, so the cost of 100 maunds of cane will be Rs. 37-8-0. It has been so calculated, and I am taking it from a cutting from a newspaper. The labour for crushing this cane to extract juice will cost three rupees and the power that is used for converting this juice into sugar is estimated at Rs. 3-4-0 and some chemicals are used which cost four annas. Thus, altogether it comes to Rs. 44 to convert 100 maunds of cane into sugar by the *khandsari* process. Taking the recoveries at five per cent, the cost of production of sugar per maund will be Rs. 8-13-0. You cannot dispute these facts. If a *khandsari* has to pay six annas per maund, it will come to that. Now, my Honourable friends are shifting their ground. Hitherto they were saying that the *khandsaris* are not agriculturists and that they were industrialists; but now my Honourable friends are shifting their ground, and I hope the House will give the weight that is due to these shifting grounds.

Seth Haji Abdoola Haroon: They are not purchasing cane, but *rab*.

Mr. T. N. Ramakrishna Reddi: If it is *rab*, they have to pay slightly more. Supposing they have to take only cane, they have to incur all this expenditure. Then the price per maund on sugar manufactured by the *khandsari* process will be Rs. 8-13-0. Even now the molasses get nothing. Supposing they realise at 13 annas on molasses, even then the cost will be eight rupees. What is the price of sugar per maund at present, it is only eight rupees, and so there is absolutely no margin of profit if they have to pay six annas per maund on cane. Do the Government want that there should be absolutely no margin of profit? On the other hand, the recovery from the mills being greater, the cost is less, and therefore, the factory people are able to bear this excess duty. That is the only point I wanted to bring to the notice of Government that they should examine this with the help of their experts and find out the cost of production.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:—

"That in sub-clause (2) (i) of clause 3 of the Bill, for the words 'ten annas' the words 'six annas' be substituted."

The motion was negatived.

Mr. M. Maswood Ahmad: I beg to move my amendment in a simplified form as I have given notice for that. I beg to move:

"That for sub-clause (2) (i) of clause 3 of the Bill, the following be substituted:
'On *khandsari* sugar at the rate of eight annas per cwt. or at such rate as may be fixed in this behalf by the Governor General in Council after such enquiry as he may think fit, whichever is lower'."

My intention in this motion is to bring the rate down from ten annas to eight annas per maund. I will not go into details, but I have suggested in my motion that an investigation should be made. No investigation has been made till now and Government are not in a position to say what is the real position. Then, Sir, I have given an alternative to that, namely, that I accept eight annas excise duty, but I give the Government an opportunity, after making due investigation, to find out whether the duty of eight annas is excessive, and, if so, to lower it. That is the main intention of my amendment. Apart from the other point that the Government have not budgeted for any income from *khandsari* business, I say there is no harm if they accept my amendment. When we are discussing these amendments today, we are in great difficulty. You, Sir, very kindly ruled the other day that all the papers and the memoranda supplied to the Select Committee should be made available to Members of this House as well. I am sorry to say that the papers which were circulated to the Select Committee were not made available to us until yesterday when the Assembly Office received only a few copies of these memoranda, and, therefore, it was not even possible for the Assembly Office to circulate these memoranda to all the Members. So, it is very difficult for Members to reply to the points raised by my Honourable friends opposite on the strength of those memoranda. I hope, Sir, that in future the Government will not overlook your observations in this matter, but they will supply sufficient number of copies of the memoranda which they place before the Select Committee. This point was also raised yesterday, and it was possible for Government to have supplied copies earlier when reference was made on the floor of the House. My Honourable friend said that those who made *khandsari* sugar did not purchase sugar-cane. I suggest that that is not correct. There are two alternative courses open, either they sell sugar-cane or they make it into *rab*. When they get good price, they will certainly sell sugar-cane, and, if not they will make it into *rab* and this *rab* will be made only in those circumstances when they are not able to sell their sugar-cane. Therefore, the agriculturists will be in a difficult position if they have to make the sugar-cane into *rab*, and, if they want to convert this *rab* into *khandsari* sugar, they will feel this trouble. I hope the Government will consider this point, and I suggest they must have the power, and if they do not have this power, they will be very much handicapped if, after making due enquiries, they find after two or three months that they have fixed an unjustly high figure of ten annas excise duty for *khandsari* sugar and that they could not reduce it under the Act. So, in my amendment, I have given the Government power as well. We all feel that Government have made no investigation and without proper investigation the Government for the first time have put this Bill before the House for which they have got no data. The Government do not know what will be the position of the industry itself. It is quite strange and I cannot imagine that, in this age of civilisation, that a Government could come before the House and ask for taxation without having into

[Mr. M. Maswood Ahmad.]

their possession any data without knowing as to where they stand and without knowing the real position of the industry. It is quite strange that such a measure should be brought before the House.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That for sub-clause (2) (i) of clause 3 of the Bill, the following be substituted:

'On *khandsari* sugar at the rate of eight annas per cwt. or at such rate as may be fixed in this behalf by the Governor General in Council after such enquiry as he may think fit, whichever is lower'."

Mr. C. S. Ranga Iyer: Sir, originally I was not minded to support this amendment of an enquiry, but after consulting the *khandsaris* of Shahjahanpur, who have been meeting me every day and discussing with me the amendments before the House, I have made up my mind to support this enquiry. They say they have nothing whatever to conceal, nothing whatever to lose if their case is investigated. The Honourable the Finance Member has taken more or less the attitude of Mr. Herbert Spencer, the expression often used by Mr. Herbert Spencer of the survival of the fittest, and this has influenced the opinion of my Honourable friend, the Finance Member. But I hope the Honourable Member recognises this quotation, an expression often used by Mr. Herbert Spencer. (Laughter.) I hope he recognises this quotation and if he does not, before this Assembly ends, I propose to produce my authority.

An Honourable Member: Darwin.

Mr. C. S. Ranga Iyer: Yes, Darwin might be more accurate, but I am only quoting from an eminent author who probably misquoted. Mr. H. G. Wells improved upon this tag and said "survival of the fitter" and he was more grammatical. That was his pose. Whether it is survival of the fittest or survival of the fitter, whether it is Herbert Spencer or Darwin, all that I want to say is this that on this present occasion in regard to this present difficulty under which the *khandsari* is faced, investigation may be made and if the Government are not sure of their facts, as they do not seem to be sure, if an investigation is made and if they find that the duty should be increased, I will have no objection if I am satisfied that the conclusions based on those investigations are correct. If an inquiry is made, I am certain that it will be found that Government are with an unnecessary lack of generosity penalising the poor *khandsari*. I knew Diwan Bahadur Mudaliar was in a rather vivacious mood when I made a very angry speech, as the Honourable the Finance Member thought, attacking the excise duties when I was talking of the poor producers of sugar. "Poor indeed!" he said; and he was right because he did not understand that I was not speaking so much for the wealthy sugar producer as for the poor *khandsari* in the United Provinces.

(At this stage, Diwan Bahadur A. Ramaswami Mudaliar rose to inter-rupt.)

I always give way to my Honourable friend unlike himself, because I can take care of myself.

Diwan Bahadur A. Ramaswami Mudaliar: The Honourable Member referred on a previous occasion also to this matter. The Honourable Member said on that occasion about the poor constituents whom he represents and I said, "Poor indeed!" I was referring to the constituents and not to the *khandsaris*.

Mr. C. S. Ranga Iyer: I think I must acknowledge that the explanation of the Diwan Bahadur is correct. But surely he does not unsay what I have said. What have I said? My poor constituents, the poor *khandsaris*. Probably he thought that when I talked of my poor constituents, I was talking of the non-sugar producing people. No, it was a sugar debate. I did not think he could be so absent-minded, and he was not; he is only clever. Sir, I hope this House will support this appeal to Government to set up an inquiry. Government have gained everything; they have defeated us by the strength of numbers, but I should not say by the strength of argument.

Sir Darcy Lindsay: Or length.

Mr. C. S. Ranga Iyer: My friend, Sir Darcy Lindsay, says, "or length of argument". Brevity is the soul of wit. We have been particularly brief on this occasion, and I would ask Government to just investigate this matter, for they do not lose anything by acquiring more information, at least as a guidance for the future. For us the satisfaction in the meantime will be that "it is better to have fought and lost than never to have fought at all".

Mr. T. N. Ramakrishna Reddi: Sir, I also give my support to this amendment for reasons that I have already stated; and, if Government only agree to make the inquiry, they will find out their mistake.

The Honourable Sir George Schuster: Sir, my Honourable friend, Mr. Maswood Ahmad, who moved this amendment, has got three purposes in view: (i) to reduce the maximum duty to eight annas,—that I must oppose. (ii) To give the power to the Governor General in Council to have an inquiry,—that he has already got. And (iii) to give power to the Governor General to reduce the duty after such inquiry. That also he has already got under clause 10 of this Bill. Therefore, I think this amendment is either bad or unnecessary. On these grounds, I oppose it.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:—

"That for sub-clause (2) (i) of clause 3 of the Bill, the following be substituted: 'On *khandsari* sugar at the rate of eight annas per cwt. or at such rate as may be fixed in this behalf by the Governor General in Council after such enquiry as he may think fit, whichever is lower'."

The motion was negatived.

Mr. G. S. Hardy (Government of India: Nominated Official): Sir, I move:—

"That in sub-clause (2) (ii) of clause 3 of the Bill, after the words 'one rupee' the words 'and five annas' be inserted."

[Mr. G. S. Hardy.]

The Honourable the Finance Member has already explained fully the reasons for this amendment, and I have nothing further to add.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in sub-clause (2) (ii) of clause 3 of the Bill, after the words 'one rupee' the words 'and five annas' be inserted."

Tala Harl Raj Swarup (United Provinces: Landholders): Sir, I oppose this amendment. We very carefully went through the whole question in the Select Committee and we arrived at the conclusion that one rupee should be substituted for Rs. 1-5-0 as originally proposed by Government. This decision of ours was merely based on calculation of figures and we had two chief considerations when we reduced this rate of duty from Rs. 1-5-0 to one rupee. The first consideration was to calculate the cost of production and the fair selling price. As said on page 5 of the memorandum supplied to us by the Sugar Technologist in the Select Committee, we calculated the cost of production of sugar on the basis of nine per cent extraction out of cane and at the rate of five annas, $5\frac{1}{2}$ annas and six annas for cane. At the rate of five annas, the cost of production came to Rs. 6-15-10 per maund; at the rate of $5\frac{1}{2}$ annas it came to Rs. 7-4-5 per maund; and, at the rate of six annas, it came to Rs. 7-11-0 per maund. If we add 15 annas and seven pies per maund as excise duty at the rate of Rs. 1-5-0 per cwt the cost of production will come to Rs. 7-15-5 at five annas of cane, Rs. 8-4-9 at $5\frac{1}{2}$ annas of cane, and Rs. 8-10-7 at the rate of six annas of cane. Sir, even if we accept that the extraction of sugar for the whole of India is nine per cent, and that fair selling price is Rs. 7-12-0 as we estimated]

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

We will lose about three annas five pies per maund of sugar if we purchase cane at the rate of 5 annas, and about eight annas per maund of sugar if we purchase it at the rate of $5\frac{1}{2}$ annas, and about 14 annas seven pies per maund if the rate of cane is six annas. Sir, as a matter of fact, the extraction for the whole of India is estimated by the Sugar Technologist himself as 8.66 per cent for last year, and he admitted in the Select Committee that the extraction for this year is expected to be lower. Sir, as a matter of fact, for the next one or two years the figure of nine per cent is not to be reached in India, because the newer factories will take time to adjust themselves and to attain this efficiency. If we calculate the prices at the rate of $8\frac{1}{2}$ per cent extraction, then the loss is further increased to ten annas per maund of sugar at the rate of five annas for cane, 15 annas per maund of sugar at the rate of $5\frac{1}{2}$ annas for cane and about Rs. 1-5-0 per maund of sugar at the rate of six annas for cane. With these considerations, Sir, we thought that it would be equitable to reduce the duty to one rupee, so that even if the extraction is nine per cent, and the cane price is taken at the lowest at five annas,—though I don't expect we can purchase cane even at this rate in times to come—it will be possible for the sugar industry to make its both ends meet.

The second consideration that the Committee had was that at the rate of one rupee the Government would get the same amount of revenue or

even a little more, and so they will not lose anything and their financial plan will remain intact, but, at the same time, the burden on the industry will be reduced. The Sugar Technologist in his review of the sugar industry of India, during the official year 1931-32, in Table XIX estimated the production for 1934-35 from factory sugar to be 646,000 tons. We considered this to be an under-estimate for the following reasons. After this estimate was framed by the Sugar Technologist, and, according to the list of factories supplied by him to us in the Select Committee, 11 new factories were ordered for the year 1934-35, and we expect their production to be 35,000 tons. Again, he did not in his forecast take into consideration any factories that would be ordered this year and which would be working during the financial year. The number of such factories according to the estimate supplied to us in the Select Committee is 15 and the production expected from these factories is 70,000 tons. The total of this comes to about 750,000 tons. If we add to this figure the taxable *khandsari* sugar, of which we estimate about 50 per cent might come under the purview of this Bill, that is about 125,000 tons, the Government will get a crore and a half on 750,000 tons at the rate of one rupee, and they will get about 21 lakhs on *khandsari* sugar, making a total of 1,75 lakhs of rupees as against 1,47 lakhs required by the Government.

Sir, a question might naturally be asked that when you expect such a large increase in home produce, the sugar coming from Java might be reduced below the figure estimated by the Finance Member, and thus the Government may not get the amount they expect from the import duty. Sir, in making a forecast of the estimate of revenue from imports, it is important to realise that according to the statistics supplied by the Sugar Technologist in his memorandum—the consumption of sugar during the year 1933-34 appears to have increased very appreciably. He has given the figure for import up to 24th March, 1934, as 329,000 tons. His figure for production of factory sugar during this season is 586,000 tons. Taking the production of *khandsari* sugar at the conservative figure of 250,000 tons, the total supply of sugar in India during the year comes to about 11,65,000 tons as compared with 98,000 tons and 92,000 tons in 1932-33 and 1933-34, respectively. Allowing approximately 65,000 tons out of the total supply for increase of stocks, it is evident that the total consumption in 1933-34 would not have been below 11,00,000 tons. If, as I have already explained, the price of sugar is likely to be lower in 1933-34, it is reasonable to expect that the consumption figure during that year will be higher still. I, however, for purposes of present calculation adhere to the figure of 11,00,000 tons for consumption during 1934-35 also. This figure, Sir, appears to tally with the Finance Department estimate also, because I believe that the production of Indian factory made sugar in 1934-35 would be in the neighbourhood of 750,000 tons, and that of *khandsari* sugar about 250,000 tons, making a total of one million ton and leaving a margin of one hundred thousand tons for imported sugar which tallies with the figure estimated by the Finance Department.

On both these considerations, Sir, therefore, the House will be pleased to see that if the duty is reduced to one rupee, Government will get more than what they want, and, at the same time, it will be possible for the industry to bear this burden, especially for the next two or three years to come, as our cost of production is higher now. Therefore, Sir, I request the House not to accept this amendment of the Government.

Mr. Jagan Nath Aggarwal: Sir, we are in a somewhat peculiar position on this measure, because the Select Committee Report, which the Finance Member has asked the House to take into consideration, recommended one rupee per maund for factory made sugar, and the Government now want to go behind the Report of the Select Committee and to have that recommendation turned down. I submit, Sir, it is not very often that such a state of affairs occurs in this House. I would recall to my friends a similar state of affairs happened when the Reserve Bank Bill was under consideration.

Well, Sir, it is well for the House to be reminded of the way which led the Select Committee to adopt this lower figure of one rupee per maund and to see whether any material has been placed before the House or before the Committee to justify going back upon the recommendation of the Select Committee. One important aspect of the case is that this sugar industry has grown and grown very fast during the last two years. It cannot be said that it was within the expectation of anybody that the sugar industry would grow at such a rapid pace, but, since the policy of the Government was to foster the growth of this industry, it is all to the good that during these two years it has covered a period of progress which was envisaged by the Tariff Board, and that was seven years. If that is so, if the artificial stimulus, as the Finance Member put it, has led the industry to grow so rapidly, have we come to a stage when that stimulus should be withdrawn? Now, as the trend of the amendments from this side will show, we are anxious to protect those factories which have recently come into existence, and at least half the number of these factories have come into being only during the last two years, according to the calculation of my friend, Dr. Ziauddin Ahmad, and it can hardly be said that these factories have indulged in profiteering to such a large extent that their profits should be cut down. That is an important point which should be borne in mind by Honourable Members of this House. Another point to be remembered is that the sugar industry is a nascent industry; it has come into being only very recently, and we might as well wait to see the result of the working of the duty on this industry. If the result of the working of this duty shows that still there are large profits made by these people and still there is a margin left,—and in the case of companies it cannot be said that they can conceal their accounts,—it will be time enough for this House and for the Government to come forward with a proposal to increase the duty or to take any action for roping in the profits to the exchequer which are legitimately their due. And, in recording their votes, Honourable Members should bear this point also in mind.

One or two further considerations I may put before the House. My friend, Lala Hari Raj Swarup, has tried to show that the estimate of the yield from this excise duty and import duty is under-estimated. Well, Sir, without going into figures, I may point out to the House that this is so. When the original duty was proposed, it was made clear that the *khandsari* sugar was within the contemplation of the Bill, because the definition of a factory would have brought them in. But it was also clear that the Finance Member was not able to count on any figures as regards the yield from *khandsaris*. That is one aspect where an error has been made. The Finance Member calculated on the yield of Rs. 1.47 lakhs from factories by way of excise. This was from 550,000 tons of sugar. From 550,000 tons of sugar at the rate of Rs. 1-5-0 it would roughly yield Rs. 1.47 lakhs, and the yield from *khandsari* sugar was entirely left out. I will put it to the

House like this. On a rough estimate, the *khandsari* yields about 300,000 tons of sugar, and putting it at a very conservative estimate—the Sugar Technologist tells us that we can rope in about 60 to 70 per cent, but I will take a much lower figure, let us take 50 per cent whom we will at any rate rope in, 50 per cent of the yield from *khandsaris*, at the rate of ten annas, would give us about 16 to 18 lakhs. That is one element of error which has not been taken into account by the Finance Member. I go further. The yield from factories,—taking it at 550,000, that is obviously an underestimate, for the reason that it has been pointed out at page 57 of Mr. Gandhi's pamphlet that the yield of sugar was estimated in 1933-34 at 700,000 tons and in 1934-35 it is estimated at 875,000 tons. This 550,000 comes in nowhere. Let me take the figures of the Sugar Technologist. His figures were 646,000 tons. When we take into account the large number of factories that have grown up and also another important fact that the setting up of sugar mills has not stopped—we were told that at least 11 were ordered after the introduction of the Sugar (Excise Duty) Bill on the 27th February,—if that is so, I do not see that we would err if we adopt the figure of 750,000 tons as the yield from factories in India. That if it is so, my proposition is that the amount of Rs. 1,30 lakhs, deducting Rs. 17 lakhs from the yield of *khandsari* sugar,—the amount of Rs. 1,30 lakhs could be had by levying a duty at the rate of even one rupee. In fact, it could be had even by a lower rate, but I am proceeding on the basis that if the Government want 1,47 lakhs, we have to make provision for that amount and for no more. The Finance Member has been at pains to point out that the whole financial structure which he has propounded to the House in these financial measures, the Budget, and the various Bills he has brought forward, is one whole, and if you take away a large slice from any one of these the whole thing will be upset. I do not see how it can be available as an argument that one should look to the yield from the sugar duty to counterbalance loss in another sphere. The Finance Member calculated only on Rs. 1,47 lakhs, and if I show to the House that in these 1,47 lakhs he ignored the entire yield from *khandsari* which comes to about Rs. 17 lakhs and Rs. 1,30 lakhs is based on an underestimate of 550,000 tons which actually would be 750,000 tons—you have no justification for retaining that figure of Rs. 1-5-0. There is another element of error to which I may invite the attention of the House, and that is that the import duty has been put down at Rs. 2,05 lakhs by the Finance Member on an estimated quantity of 1,10 lakhs of tons. The quantity imported this year was 300,000 tons, and I do not see why it will go down so far next year, particularly as it is within the knowledge of the House that at the ports Java is still able to compete and what the future has in store for us we do not know.

The House will remember the telegram which was published in the papers here that Sir William Clare-Lees, with whom Mr. Mody entered into a Pact, had gone to Holland and Dutch industrialists were meeting him in a delegation for the exchange of their surplus sugar for textiles from Manchester. This is how the telegram ran:

"Hague, March 28. Delegation of Lancashire business men headed by Sir William Clare-Lees which is at present in Holland to discuss principles of the scheme by which Britain will import from Java sugar in return for an increased quantity of British textiles to Dutch Indies met officials and ministers."

I would put it like this. We should not look upon Java as either dead or dying so far as the export of her sugar to this country is concerned. Java

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has a great surplus and is anxious to dispose of it. If Java is not able to compete here, it may very well happen after these manipulations and conversations they may be able to arrive at an arrangement that more sugar may be landed in our ports, and the flow of sugar from Indian factories which is at present going on, of which I will place the figures before the House, may be retarded and more Java sugar may be landed in our country. If that is so, it will be all to the advantage of the exchequer; whether it is to the advantage of the indigenous industry is another matter. I put forward the proposition that these calculations, nicely balanced calculations may be upset in a very favourable measure by what is happening outside, but certainly there is no reason to suggest that we will be importing only one-third the quantity of sugar which we did this year. From the figures given to the Select Committee as to the movement of sugar to the ports which is at page 15 of the Memorandum, from December to March, Calcutta has been importing somewhere between 4,000 to 8,000 maunds every week, Madras, say, from 1,000 to 26,000 maunds, the highest 26,000 was in February. But what is more extraordinary still is that the figures for Bombay are very encouraging. We find a steady growth practically, beginning with about 5,000 in December to about 22,000 maunds on February 3rd, next week 51,000, another week 52,000, next week 53,000 and we come on the 3rd March to a weekly figure of 90,000 maunds. Then, it goes down to 75,000 and 45,000. Movements to Karachi are not very significant. Therefore, I say that we have to take good care that this movement of sugar from the factories to the ports is not retarded by anything that we do in the House. There are movements outside the country to give Java a greater foothold than it has now in this country. I submit that we should weigh the dangers and we should see that we do not inflict a blow on this nascent industry in which great progress is being made and if any ill considered step is taken by this House, it will be undoing the work of several years past. Capital is already very shy in this country and the blow to the sugar industry may be such that it may not recover for many years to come.

I wish to place before this House one further proposition. I have already pointed out that the condition of the sugar industry is such that it can ill afford to stand a blow if one were inflicted by this duty. Now, Sir, it is pointed out that if a thing is inefficient we should not encourage it and it may be said that if Java can sell at three rupees per maund and we want to sell at Rs. nine or Rs. ten per maund, what is the point in encouraging this industry. Why should we not allow Java sugar to come here and sell at Rs. three or Rs. four per maund? That is a proposition that requires a little examination. We should not forget that Java is a country which established sugar factories long before the war and these factories built up reserves and they have made profits out of which they can afford to undersell us. If we were to depend solely on Java sugar, Java prices are sure to go up and we should be always at the mercy of Java. I would invite the attention of the House to the report of the Sugar Committee which sat in 1920 and which pointed out that one of the cardinal principles that should be kept in mind is that India should try her utmost to be self sufficient in the matter of sugar. If any world conflagration were to take place and our supplies of sugar were cut off, we would be in difficulty, but apart from that I look at it from the economic point of view. Sugar is a commodity for every day use for all times and for all classes of people in the

country, for which we spend in duty alone about 10 crores and the cost of which will come to 20 to 30 crores. Why should we not see to it that this 20 to 30 crores is kept in the country and distributed among the producers, the cane growers and other people and thereby enrich the economic life of this country? That is a large question which we have to bear in mind.

Now, Sir, at this stage I would like to invite the attention of the House to another consideration. I wish to examine this problem whether we have got an inefficient body of people producing sugar. Now, Sir, one of the things to which our attention was drawn in the Sugar Committee's report is that the manufacture of *gur* and the refining of *gur*, gives us only five per cent, the *khandsari* gives us only six per cent or so and the extraction of sugar in large factories is supposed to give us nine per cent. We are all glad to notice it that on the average it is about 8.6 per cent. That would mean that in some cases it would give us more than nine per cent and in some cases less, and let me in this connection invite the attention of the House to what the Sugar Technologist has said. He has pointed out that the newer factories are more efficient than the older ones in the matter of extraction of sugar, and that, in the newer factories, it has gone up even to 11 per cent in some cases. When it was suggested that the newer concerns should be exempted from the duty, the experts turned round and said you are looking at the whole thing the wrong way about and they point out that, so far as the extraction of sugar goes, the newer concerns are doing as well as anybody else. They are doing as well as any of the concerns in Java. If the cultivation and extraction of sugar-cane and sugar is much more efficient in Java, the time is not far off when we will be able to come up to their standard. The progress of decades cannot be achieved in a few days. The conditions of agriculture in this country are such that improved breeds of cane are not easy to introduce at one stroke. So to any one who would say that it is inefficient, I would say, do not be in a hurry but look at the progress so far made. The only thing that we are deficient in is as regards research in the matter of the utilisation of the bye-products and the disposal of molasses. That is a very large problem today, namely, what to do with our molasses. We have to turn it into alcohol, but you cannot allow the man in the country side to turn it into alcohol. It is a very large problem in which the research side of the Government will be very soon engaged, and I have no doubt we will be solving it, but on this account we cannot say that these sugar producers or these factories are by any means an inefficient lot for whom no sympathy can be shown. I have tried to show that so far as the yield of duty is concerned, the Honourable the Finance Member will get what he expects, more than what he expects by the duty of one rupee. My friend here suggests that the Honourable the Finance Member wants to get as much as he can from these sugar manufacturers. If that is so, then, I can only say that it is a very unsympathetic attitude. It is an unsympathetic attitude the justification for which is more than we can find out. If that is the attitude of the Government, then it is an unbecoming attitude on the part of the Government which tried to foster the sugar industry in the year 1930. If you want to go into the profits of these people, then you have a fair basis on which to proceed, but if you think that you have got the majority and that you can carry any amendment you like, then I can only say that it is unbecoming on the part of the Government.

My friend, Mr. Hari Raj Swarup, has given the House the cost of production according to the revised calculation in supersession of those

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contained in the Tariff Board's report, because the Tariff Board's figures cannot prevail at this moment. The figure of production is about Rs. seven or a little over, and how can you levy a duty of more than one rupee? If we do that, we shall be incurring a risk and we would be levelling a blow at this small industry if we were to enhance this duty to Rs. 1-5-0. I say, wait for a year and see how this duty works, and if, as a result of a year's working, it is shown that there is a large margin left and profiteering goes on, we can proceed to increase the duty; but, at this stage, caution and the interests of the country demand that there should be no increase in the duty as has been suggested by the Government.

Sir Darcy Lindsay (Bengal: European): Speaking on behalf of the Group to which I have the honour to belong, we will support this amendment to restore the duty to Rs. 1-5-0. I welcome this amendment, Sir, for several reasons. First of all, in my opinion, the Select Committee put forward no very cogent reasons why the duty should be reduced to one rupee. Secondly, it is unquestionable that the Honourable the Finance Member wants revenue. Thirdly, the argument was put forward yesterday that it was very undesirable to change a duty that was already being acted upon; that forward contracts had been entertained into, and it was very upsetting to have further changes made. And, lastly, Sir, in my opinion, this excise duty of Rs. 1-5-0 comes in as a very necessary check on the unhealthy expansion of the industry. If the industry as a whole is to succeed in India, it must be on moderate lines and not by every one jumping into the field and putting up a factory, because he sees a handsome profit.

Now, Sir, we have heard a good deal about the profits made by factories—the small profits made by factories, the fact that this excise duty will ruin them, but, Sir, if we look into the position, I think the House will be agreed that the factories that have hitherto been working have been making very handsome profits. I heard of one case where a factory that has only been about three years in existence—the factory is at Meerut—made in two years sufficient profits to pay for the whole of the expenditure on the factory (Hear, hear) and I believe that in the present year they have made something like four and a half lakhs of rupees. The capital, I am told, is about nine lakhs. I have seen prospectuses advertised in the daily papers setting forth the advantages of having shares in sugar factories and promising, in one case, thirty per cent. In another case—I have a prospectus here, true it was issued as far back as last October and they do not appear yet to have received the full subscriptions, but this company offers to its shareholders, the very handsome return of seven lakhs of rupees per annum on a hoped-for capital of sixteen lakhs? (Hear, hear.) If there are any Members in the House who would like to take shares, they might come to me and I will put them in the right way, because those who act as brokers have a life-interest in the concern, a life-interest in the prosperity of the company, they have patrons, they have governors who receive a handsome fee for every meeting they attend and their railway fare is paid.

Diwan Bahadur A. Rāmaswami Mudaliar: When was the prospectus first issued?

Sir Darcy Lindsay: In October.

Diwan Bahadur A. Ramaswami Mudaliar: And it is still going on? And that shows how people are rushing to buy the shares!

Sir Darcy Lindsay: They are still going on. My Honourable friend, Seth Haji Abdoola Haroon, in his speech, showing how many of these concerns were going to fail, made a particular reference to the very heavy depreciation that they had to provide for, even as much as thirty per cent on new machinery. Now, Sir, I put it to my friend, Mr. Abdoola Haroon, and others who own these mills, that if they will pay a little more for expert engineers and expert managers, there will be nothing like a depreciation of thirty per cent.

Seth Haji Abdoola Haroon: Are expert engineers available in India at present?

Sir Darcy Lindsay: I cannot say.

Mr. B. Das: There is the Sugar Committee of the Imperial Council of Agricultural Research which exists—if there are no sugar experts to advise?

Sir Darcy Lindsay: I have heard of factories who employ as engineers men on a salary as low as Rs. 75.

Now, I put it to the House that under those conditions it is not surprising that the machinery should very soon go wrong. Now, in connection with this sugar industry in India, I very much doubt whether it would ever be quite the success that we all hope for, because I am told India is not a country in which sugar-cane grows to that high productive quality necessary to give a good yield to the mill. The best cane that we find in India is, I think, grown around the very factory the Honourable the Finance Member referred to when he introduced the Bill—that at Belapur. There, by a very careful cultivation, manuring and other means the cane is, I believe, the richest in India. I am well aware that great efforts are being made with the nurseries at Coimbatore. We have experiments being made in the Provinces. Sugar-cane seems to be a very peculiar growth: the sugar-cane of one Province does not like growing in another (Laughter), and the Coimbatore variety, even the best type, does not produce anything like satisfactory results in the United Provinces or the Punjab. I cannot explain why it should be so. My Honourable friend, Mr. George Morgan, yesterday made the point that we must improve the quality of our cane and I entirely agree with him. In my opinion, the efforts should be made in the Provinces themselves. I am told that in Java the great success of the sugar industry was due to the care taken to improve the cane. There was co-ordination amongst all the factories. Many of the factories have their own plantations adjacent to their mills. They are required, I believe, by the Government to publish returns showing the means they adopt to improve the growth of the cane, the manure they use and what are the results. There is no secret about it whatsoever. I am quite sure that if we were to do something on those lines in India, there would be a possibility of improving our cane.

[Sir Darcy Lindsay.]

Another point that I would like to make is this. In my view, there has been some reckless expansion in the Provinces and the factories are too close to each other. I would much sooner see the system that was adopted in Uganda in connection with their cotton. In Uganda, the Government take charge. They issue the cotton seed and they see that the cottage cotton plantations are properly weeded and looked after. They supplied markets for the sale of cotton and they licensed ginning factories to work in areas of 25 miles. There is no competition between factory and factory, and that has made in Uganda a very great success.

Mr. S. G. Jog (Berar Representative): The industry was nationalised.

Sir Darcy Lindsay: The system of cotton growing was in the hands of the Uganda Government.

Now, Sir, when I refer to the growth of factories in India, there is always the great danger of over-production. Over-production means that we would have to export our surplus stock. That has been referred to by several Members. They have hoped that we should reach such a stage. I, on the other hand, would deplore our ever reaching that stage, because there is not the world market available. We would be unable to dispose of our surplus stock. We cannot produce at the figure that some other countries can produce. Java, for instance, is a long long way below our cost. The same is the case with Cuba and other countries. They get a very fine return from their cane. Java cane, for instance, I am told, gives as much as 70 tons per acre and that is why the Java sugar is so very cheap.

Seth Haji Abdoola Haroon: In how many years have they been able to get this yield of 70 tons per acre?

Sir Darcy Lindsay: I think this 70 tons per acre was produced by the discovery of a particular chemical manure which greatly improved the quality of the cane.

Seth Haji Abdoola Haroon: Can you say in how many years Java was able to get more cane per acre?

Sir Darcy Lindsay: That I do not know.

Seth Haji Abdoola Haroon: May I inform the Honourable Member that for the last 40 years they have been trying to get more cane per acre and we have not been in the field even for two years.

Sir Darcy Lindsay: I hope India in a great deal less than 40 years will reach a state when the cane will give good results.

(Further interruption by Seth Haji Abdoola Haroon.)

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Order, order. The Honourable Member is not giving way.

Sir Darcy Lindsay: Sir, the danger of over-production was brought home to me very strongly when I was in Australia in 1926. Queensland is the great centre of sugar production and the yield there is anything

from 14 to about 84 tons per acre. Now, the cost of the production of sugar came to, on the average, £19 per ton which was a long way above the world parity, the world parity at that time being somewhere about £11. Queensland had a surplus stock of something like 500,000 tons and they had to sell it. It was sold in Europe at £11 a ton. Now, to make up the loss to the producer the Government of the Commonwealth of Australia imposed a duty on sugar which meant that the people of the country had to pay £26 a ton with the world's parity at £11. That is a position that I hope India may never be in. On an average production of 7,500 tons of sugar in the season, I estimate that this excise duty of Rs. 1-5-0 will come to about two lakhs of rupees and that is what these companies will have to face, who, as I have shown, are making the large profit of 4½ lakhs on the average. Sir, I support the amendment.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, if I had not known my Honourable friend, Sir Darcy Lindsay, very intimately, I should have thought that my Honourable friend was grudging the sugar industry the expansion that it has achieved during these few years, and, furthermore, that he is opposed to the very principle of protection so far as this industry is concerned. He pointed out that India is peculiarly unfit for the cultivation of the proper type of sugar-cane.

Sir Darcy Lindsay: I do not think I pointed out that at all. I pointed out that the soil of India was not suitable for the cane of a very high production.

Mr. K. C. Neogy: That is what I said. Now, Sir, he further pointed out the utter inefficiency of the technical staff and he deplored the reckless expansion, as he termed it, of the industry during the last few years. He pointed out the instance of Uganda and deplored the fact that the factories have been set up rather too close together. Then he mentioned the danger of over-production; and, as a warning to those who are optimistic enough to think that India may be in a position to export her surplus stock of sugar to the Empire countries and to Great Britain in particular, he said, "Do not be too sanguine about it". He went to the length of saying that he would deplore such an over-production. Now, Sir, I thought that my Honourable friend was a believer in Empire preference. I was very much surprised, therefore, to find my Honourable friend trying to throw cold water on the enthusiasm of some of my Honourable friends who are foolish enough to entertain the hope that in some distant future India might hope to sell her surplus sugar in Great Britain under the scheme of preferential tariff. Perhaps my Honourable friend was led to make these observations, because of the negotiations that are at the present moment going on between the Dutch sugar interests and the Lancashire textile interests. (Hear, hear.) My Honourable friend perhaps thinks that, as soon as these negotiations terminate, there will hardly be any room for India to hope to land her surplus sugar in Great Britain.

Mr. F. E. James: May I just rise to make a point clear to my Honourable friend? Neither my Honourable friend, Sir Darcy Lindsay, nor any Member of this Group had that in mind in the slightest degree. I believe the basis on which we support this particular amendment is the basis of the recommendation of the Tariff Board which we do not concede has been adequately shaken by the manufacturer. That is the only basis on which we take our stand.

Mr. K. C. Neogy: That would be a cogent argument in favour of the amendment, but that was not put forward by my Honourable friend. I thought he was making a third reading speech. I do not know what bearing all his observations have upon the particular amendment that we are discussing. Now Sir, I would come at once to the amendment and my position in this matter is that the Honourable the Finance Member deserves to get only that much of money which he said he looked forward to so far as this particular item is concerned. My Honourable friend, Mr. Jagan Nath Aggarwal, said that the Honourable the Finance Member was out to get as much as he could. I do not know whether my Honourable friend gave any indication of this attitude in the Select Committee.

An Honourable Member: Yes.

Mr. K. C. Neogy: If so, I think it would be very wrong for this House to assent to this.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

The House, as the custodian of the interests of the tax-payer, should give nothing more to the Honourable Member than what he actually needs.

The Honourable Sir George Schuster: That is why I want to get as much as I can, so that I may get what I need.

Mr. K. C. Neogy: The Honourable Member gave an estimate of what he expected from this source. I think it has been made quite clear by the previous speakers that, even if we adopt a lower figure, the Honourable Member would get all the amount that he actually needs. Even if the estimates of the Honourable Members who have spoken against the amendment were to turn out to be incorrect, I, for myself, would examine the proposition from another point of view. Is the proposed duty likely to adversely affect the industry? That would be the most important consideration that we should bear in mind apart from the question as to whether the yield of the proposed lower rate of duty comes up to the expectations of my Honourable friend. So far as that is concerned, I should like to tell this House at once that although I represent a constituency in Bengal in this House, I should like to examine this particular measure apart from any considerations of profit that my Province might make if we were to adopt certain proposals of the Government. I should be indeed very sorry to have to impose a duty on a very important industry in this country at a rate which it cannot be justly asked to bear simply for the reason that unless I am to agree to that, the relief that we seek would not be forthcoming to the fullest extent. So far as Bengal's claim is concerned, I personally have been putting forward the view that inasmuch as the jute export duty does not come out of the pocket of the foreign consumer, it falls on the producer in those provinces which, it is said, have got a monopoly in regard to that commodity. For this reason, I think that we are entitled to have the proceeds of the jute export duty, whether or not the Government of India are in a position to find a substitute for it so as to balance its Budget. I am not going to be influenced to the slightest extent, so far as this measure is concerned, by the consideration as to whether or not the Honourable

Member is in a position to carry out the obligation in this matter which the Government of India owe to the three principal Provinces that produce jute. Judging from the figures that have been placed before this House, by my Honourable friend, Mr. Jagan Nath Aggarwal and Mr. Hari Raj Swarup, I have no hesitation in saying that at the lower rate of duty the Government would be enabled to obtain the full amount that the Honourable the Finance Member hopes for. I am particularly struck by the under-estimate which my Honourable friend has made not merely of the home-produce—the expected production of sugar during the forthcoming months—but also of the expected imports of Java sugar. I dare say that my Honourable friend is in possession of authoritative figures to show what the normal consumption of sugar is in this country in a particular year. If we know that particular figure, it should not be very difficult to find out as to how much of it is likely to be supplied by imports and how much of it is to be supplied by the home producers. Now, judging from the figures that have been placed before us, it seems to me that my Honourable friend has under-estimated not merely the import figures, but also the production in the country, and he has also under-estimated, as a consequence, the total consumption of sugar. Unless my Honourable friend is in a position to convince me that the figures that have been given are altogether wrong, I am afraid I will have to vote against this amendment.

Mr. S. C. Mitra: My Honourable friend, Mr. Hardy, moved this amendment without any speech and without any argument. I think he is a straightforward man and he thought that there was no argument except the strength of votes. I also thought there was no necessity for us to make a number of speeches. I once appealed to you that under the procedure of this House there is no means of recording the opinions that are passed in the Select Committee, and, unless you help us in this direction, it will be my duty to read the explanatory notes.

Mr. President (The Honourable Sir Shanmukham Chetty): That point is engaging the Chair's attention. As a matter of fact, the Chair has asked the Legislative Assembly Department to estimate the cost of printing and publishing all the proceedings of Select Committees which are placed before the House. In the meantime, in order that Honourable Members may get easy access to all the reports of Select Committees that have been presented to the House, the Chair has now given instructions that beginning from 1921 when this new Assembly came into existence, the Library will keep bound volumes of all the Bills introduced in the House each Session and also all the reports of Select Committees that have been presented to the House. (Applause.)

Mr. S. C. Mitra: We are thankful to you for this decision and this will help us greatly. I only thought that if in the debates the minutes of the Select Committees are also printed, that will help us very much. Coming to the Bill, the people in Bengal thought that, with the success of sugar industry in India, they will have an alternate crop by which they can get some money. Sir, we in Bengal had to depend mostly on rice crops in earlier days. Then the jute cultivation came in, and, after a few years, it helped the poor cultivators very much. Sir, though it is the monopoly of Bengal to produce jute, unfortunately, due to the helplessness of the poor cultivators, it has become a monopoly of the jute industrialists who dictate any price they like. I do not know how far the attitude of the

[Mr. S. C. Mitra.]

European Party is now dictated by the consideration that the Bengal cultivators may not have an alternative crop in sugar-cane. Sir, we in Bengal further feel that if by this Excise Bill the margin of profit is diminished, it will be very difficult for Provinces like Madras, Bengal and Bombay, which have not already started these industries, to start sugar mills at all. They will be in a very difficult position to compete with the sugar manufacturers in the United Provinces and Bihar. And, in our explanatory note, we have tried to make it clear that they will not get the same advantages as were contemplated by the Tariff Board itself. I shall only read a few lines from that note:

"Taking the price of Java Sugar and the price of Indian Sugar we are convinced that owing to internal competition there is no strict parity in selling prices between the two. It is admitted that in some centres at any rate Indian Sugar is sold at rates lower than those of Java Sugar. We have tried to compare the price level and also to work out on the basis of Tariff Board calculations the fair selling price of Indian Sugar. It has unfortunately not been possible to get an agreement on the facts with regard to these prices, but we feel convinced that an excise duty of Rs. 1 will more correctly represent the duty which the industry can pay, having regard to the declared intention of the Government to give an effective protection of Rs. 7-12-0 per cwt."

This is a further consideration which should appeal to the Honourable the Finance Member not to go behind the decision of the Select Committee.

My Honourable friend, Mr. Aggarwal, has given figures from which it is clear that the revenue of one crore and 47 lakhs can be easily had even at the reduced rate of one rupee; because an expert like Mr. M. P. Gandhi shows conclusively that we can expect about 800,000 tons in the current year. But even calculating that the production next year will be about 750,000 tons, we can easily get a revenue of one crore and 50 lakhs, and, in addition to it, we are certain to get about 17 or 18 lakhs, according to the calculation of Government, from *khandsari* sugar.

Sir, I agree with my Honourable friend, Mr. Neogy, that the contribution to Bengal is not a relevant matter that should guide us in making our decisions on this Bill. These are independent measures and should be judged on their merits. Though I oppose this amendment on various other arguments, I think the decision to pay half of the excise duty on jute to Bengal will not be interfered with, because the central revenue will remain the same. But I personally think that it is absolutely irrelevant in connection with this measure.

Sir, my Honourable friend, Mr. Aggarwal, read a message from Hague. I shall be very much obliged if the Honourable the Finance Member will disabuse our minds about that statement that Sir William Clare-Lees is now at Hague initiating negotiations, so that we may clearly understand that we may not be sold again for British interests in connection with sugar as well.

The Honourable Sir George Schuster: Sir, may I tell my Honourable friend that I myself have absolutely no information about these negotiations and that I am personally responsible for these proposals? I can assure my Honourable friend that there has never been the slightest idea in our minds in making our proposals, with reference to anything, except a policy suitable in the interests of India, either in the development of the sugar

industry or for raising revenue. The other consideration is entirely irrelevant. As a matter of fact, as I say, I know nothing whatever about it.

Mr. S. C. Mitra: I am very glad to have this assurance. As a matter of fact, when elaborate reports about these negotiations were published in the *Free Press Journal* of Bombay, we did not pay much heed to them. But now that Reuter's message from Hague confirms it, that made us a little bit suspicious. However, I am glad that in this measure there is no dictation either from England or from outside.

Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muham-madan Rural): Sir, I rise to oppose this amendment. I oppose this amendment, because I feel that the higher duty will react on the cultivation of cane, and that in its turn will affect the provincial revenues. As to my first proposition, I submit, Sir, that the cultivation of cane will be affected, firstly, if some of the existing factories close down, and, secondly, if it prevents the establishment of new factories. We may for the time being admit that the existing factories may not be closed down; but I am quite sure that the higher duty will certainly check the establishment of new factories. Because the present Bill under consideration has already created a sort of panic amongst the investors, and every investor, small or great, is unwilling to come forward to purchase sugar shares. Specially in Provinces like Madras, Bengal and Bombay, where they have little knowledge about sugar factories, the feeling is greater. Sir, I speak from my personal knowledge.

When I came to Delhi, I knew that there were a large number of schemes in contemplation, and now I have received letters from the promoters of those schemes that they are now going to cry halt. Sir, we know that in this country capital is very shy. It was the good luck of the country that during the last two years it has made very rapid strides, but now I am sure that the effects of this Bill will be extremely adverse to the growth of the industry. At any rate, one result is definite; that is, if factories close down or if new factories are not established in different parts of the country, there will be no encouragement for cultivation of sugar-cane. We know that Provincial Governments have invested crores of rupees in irrigation works and they expect to get a return from that source. If the cultivation of sugar-cane is hindered, that source of revenue will be stopped, and I might also add that there will be ever more occasions for the Provincial Governments to give remissions and suspensions of land revenue.

Sir, the principal objection advanced is that there is a likelihood of over-production in this country and so it must be checked. Personally, I do not entertain any such fear. The objection is premature, and it cannot be substantiated for a moment. We know, Sir, that India is still importing large quantities of Java sugar. We also know that the use of sugar and the use of bye-products of sugar-cane are not yet fully explored in this country. We also know that the *per capita* consumption of sugar in this country, as compared with the *per capita* consumption in other countries, is extremely low. There is also a possibility of white sugar replacing the use of *gur*. And, lastly, Sir, we have got the Empire markets, if not the world market. For all these reasons, I think the fear of over-production is entirely unfounded, and nobody can say at this stage that the production of sugar should be checked.

[Rao Bahadur B. L. Patil.]

Then, the next ground advanced against sugar factories is that this cut in the margin of profit will create a necessity for higher efficiency. I do not believe in this reduction of the margin of profit; because that takes away the little scope for improvement and for further capital outlay in the factories. The best means of creating a necessity for increasing the efficiency would be to encourage internal competition. That would be the most healthy means of creating a strong necessity for increasing the efficiency of the factories.

Then, there remains one other thing. The Finance Member seems to be of the opinion that the imposition of this duty is not likely to affect the cultivation of cane to any appreciable extent. If you look to his Budget speech, page 19, we find some figures. On that page, in the footnote, it has been stated that out of 48, only four million tons is the consumption of factories in India. That was the case in 1931-32, but we must remember that in 1931-32 we had half as many factories as we had in 1932-33. Therefore, the consumption of sugar-cane must have been doubled in the year 1932-33, and, if you calculate on that basis, I am sure, Sir, that the consumption of sugar-cane in the year 1933-34 must be still higher. Therefore, we cannot ignore this point. If factories are affected adversely, I am sure, the cultivator of cane will also be seriously affected. For these reasons, I oppose the amendment.

Bhai Parma Nand (Ambala Division: Non-Muhammadan): Sir, in my speech yesterday, I gave quotations from the Protection Act of 1932 to indicate the solicitude of the Government to protect and foster the sugar industry in India. It is a surprising fact to note that today, within less than two years, one great argument that is placed before us is that Government are very anxious to stop the multiplication of sugar factories in this country. My friend, Sir Darcey Lindsay, told us that he knew at least of one factory in Meerut that made enormous profits, not only last year, but even this year. It may be quite true that one factory might have made large profits, or, for that matter, more than one factory might have made large profits, but that does not prove that all the factories have become very profitable concerns and that, therefore, we should become so eager to stop the over-production of sugar by limiting the number of sugar factories. My question is, Sir, are there industries and no large factories in other countries which have been and still are making profits? When those industries were growing did the Governments of those countries put checks on the growth of those industries, merely because those industries made large profits? Take the case of Java which has been exporting sugar to India during the last 40 years.

Now, my question to the Finance Member is, whether the Government of Java took any steps to prevent the high profits made by the sugar factories in Java? Sir, I had occasion to go to the British Colonies in South America and also to the colonies in South Africa; there I had a chance to visit certain sugar factories, and I remember one simple fact with regard to them, and it is this. After the abolition of slavery in England, some of the sugar plantations and factories, which were starving on account of the absence of labour, both the British Government and the Government of India had recourse to that notorious system of indentured labour, and labourers were taken from India to South Africa and also to South America just to supply these factories with the amount of labour they wanted. That was a

system of the nature of semi-slavery. I want to enquire whether the Governments of those colonies or the British Government were very jealously watching the profits and dividends of those factories and whether they were trying to make money out of the growth of those industries?

Again, Sir, are there no other kind of factories in this country? There are jute mills, paper mills and other factories. Why is it that the Government are not so jealous of them? We have not heard much at least in this House about the high profits or dividends which these factories are making. The only reason, that I can imagine in the case of the sugar industry, is that the Government claim to have given this industry the so-called protection, and, therefore, it is that the manufacturers of sugar are being subjected to so many taunts and unfavourable criticisms. If I were to represent the case of the manufacturers of sugar in this country, I would most humbly submit to the Government that they should give up this idea and withdraw the protection altogether, reduce the duty to the original import duty *plus* the surcharge and leave these factories free to fight for their success. At least we should not be under this false impression of the sugar industry being protected by the Government. The only consequence in that case would be that after some time the surcharge would disappear, but I think by that time these factories would be in a position to be strong enough to establish themselves in this country.

There is only one point more. Sir Darcy Lindsay referred to the forward contracts, and that is one particular question that I want to put to the Finance Member. He is very anxious about the money that he could get from the people, but there is another thing he should consider well and that is that the business contracts that the commercial people have entered into with the manufacturers should not be upset and the commerce of the big cities should not be put in a sort of confusion. We had a deputation from the Cawnpore merchants and dealers in sugar, who said that they had entered into contracts with manufacturers before this Excise Duty Bill was introduced in this House on the 27th February. Government, who are so anxious about their finances, should also show a little care for the finances of those people who have entered into forward contracts as these contractors have entered into contracts with other sub-contractors, and they, with other dealers and so on. I should like to know whether the Finance Member would be willing to leave these contracts free from this duty. It may be said: "This is not the system as we have been proposing taxes on customs and increasing other taxes without previous notice, every year". The case of other duties and other taxes is altogether different. Here we have got a new tax altogether. It is an excise duty on a fresh industry which could never be expected by anybody. I wish to place this last point to the Finance Member whether he would be willing to exempt those contracts which had been made before the Bill was introduced; otherwise, I think the whole commerce of the big cities would be put in a sort of confusion. With these words, I oppose the amendment that has been moved by Mr. Hardy on behalf of the Government.

Diwan Bahadur A. Ramaswami Mudaliar: At this late stage, I do not wish to detain the House very much longer. I have been compelled to rise and make a speech on this amendment, because it seems to me to be contrary to all usual practice to put the onus of proof on the majority of the Select Committee, and the Government, so conscious of the rectitude of their own case, have not cared to controvert any of the arguments that have been used in the majority report.

[Diwan Bahadur A. Ramaswami Mudaliar.]

In the first place, I have to explain that the majority members have been obliged to put in what they call an explanatory note owing to the very peculiar circumstances under which the Select Committee Report was prepared. On Sunday last, we had a late sitting and finished discussing the details of the proposals, and, on Monday morning, to our surprise, without any more meetings of the Committee, while we were in the thick of the discussions on the Indian States (Protection) Bill, a *chaprasi* came round to members of the Committee with a fair copy, and only a single fair copy, with four or five signatures of Honourable Members of Government already in it, and asked us to put our signature on it then and there. That was the treatment which the Honourable the Chairman of the Select Committee thought it courteous to extend to us, members of the Select Committee. We were not even given copies of this Report, so that we might go through them at some leisure, or at least 24 hours' time. Pressure of business, the fact that the Finance Member had to submit the Report within seven days according to the original Resolution of this House probably influenced them in treating members of the Select Committee in so non-chalant a fashion. What we were then obliged to do was to read the Report very hastily and return it for other members to go through it, and from a recollection of what was contained in the Report which was presumed to be the opinion of the majority, but which was drafted by the Government Draftsman—with that material before us we had to sit and prepare an explanatory note, so that our position might be made clear. It is an unfortunate incident, and I hope it will not happen in future; at any rate, it is a warning to this House that when they expect a Select Committee to report within seven days or five days, they are thoroughly mistaken in putting a limit on them like that, and Members are rushed and they are made to work at odd hours. Well we do not complain of it, but they are not even given a chance of studying the Report, or what is far more important, when the majority views are being embodied, to say how and in what terms and for what reasons they are being embodied in the Report of the Select Committee's Report. The majority took the view that one rupee was a fair amount of duty and that Rs. 1-5-0 was unfair, so far as this Bill is concerned. Now, I am obliged on the floor of the House to give my full reasons for that

The Honourable Sir George Schuster: May I on behalf of the Draftsman explain what happened? The Draftsman asked the members of the Committee to give him the reasons, so that he might draft the Report, and I am informed that he was unable to get any statement from the Members. He did prepare a Report as well as he could on that basis. I myself went through the draft and revised it and I flattered myself that I had represented the views of the majority. It certainly was not the Draftsman's fault if the views were not better stated. Apart from that, my Honourable friend knows the pressure under which we were all working then. If any Honourable Member had taken objection to that procedure and said: "We cannot sign this Report now; we must have time to consider it". I am sure, my Honourable colleague would have seen his way to accommodate them.

Diwan Bahadur A. Ramaswami Mudaliar: I do not want to pursue the controversy except to say that myself and Mr. Mitra sent a chit round

to say that we could not sign it till we had a copy of it. We were furnished with the original, but we were told that we must return it by next morning. That is a small matter. I do not want to put the blame on anybody. I would only say that the Draftsman was there throughout the discussion, and either he has done an injustice to us or we have done an injustice to ourselves, I prefer to believe the latter. In any case, within 24 hours we drew up an explanatory note which sums up our general position. The first sentence of that note is:

"Taking the price of Java sugar and the price of Indian sugar we are convinced that owing to internal competition there is no strict parity in selling prices between the two."

The Finance Member's case was this. At present we have imposed a duty of Rs. 9-1-0 on Java sugar. This is far in excess of what the Tariff Board recommended. We agree that a duty of Rs. 7-12-0 is necessary and sufficient for this industry. Therefore, there is a balance of Rs. 1-5-0, and it is that balance that we propose to collect as excise duty. Now, it is obvious that there is a balance of 1-5-0 if the price of Java sugar and the price of Indian sugar is exactly the same. It is then that you get this difference of 1-5-0 keeping intact the amount of protection 7-12-0 which the Tariff Board recommended for this industry.

Now, what are the facts, and that is what we mean by parity of prices. I will take the figures given by the Government themselves through their Sugar Technologist. We have been given a series of figures of the price of Java sugar at the Calcutta market. I will take only the figures for February and March this year. In February, 1934, the cost was Rs. 10— the selling price. In March, it was Rs. 10-2-0. The corresponding monthly averages of prices of Indian made sugar in the same Calcutta market are as follows. In February, 9-4-0, that is 12 annas less, in March, 9-6-0, that is 12 annas less again. What does it establish? It establishes indisputably the fact, taken from figures which your own expert has supplied and not from figures of any industrialist, that there is a difference of 12 annas between the selling price of Java sugar and of Indian made sugar in the Calcutta market. Where is the parity then? Where is the efficient protection of 7-12-0 if from that price you again take away at the rate of 1-5-0 per maund? Now, Sir, again the sugar-cane expert goes on:

"Spot quotation for Java Sugar in Calcutta market on the 23rd March, 1934, was Rs. 10-1-0 per maund. On the 21st March, 1934, the nearest date for which quotations are available, the first grade crystal sugar was quoted in Calcutta for a number of Indian factories as follows: Factory No. 1, Rs. 9-5-0, factory No. 2, 9-7-0, factory No. 3, 9-2-6, factory No. 4, 9-0-0, and factory No. 5, 9-12-0."

As is usual in these cases he takes the average price and says:

"The difference between the mean of the above quotations, namely Rs. 9-5-6 and Java spot price is 0-11-6, whilst the difference between prices of best quality Indian sugar and of Java sugar is five annas."

Now, you have got a difference of 0-11-6 or 12 annas as we have seen from the average monthly price between Java sugar and Indian sugar in the Calcutta market. In the Madras market, the difference is a little less, but even there, the Sugar Technologist and the export points out that there

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is a difference of two annas three pies per maund between Java sugar and Indian sugar, the Indian sugar being lower, of course. He continues :

"It would appear from these figures that in markets like Calcutta where too many factories are trying to sell their sugar, Indian sugar is not getting prices in accordance with Java parity, but in the case of markets like Madras where internal competition is not so keen, parity with Java prices is still being maintained,"

not absolutely, but only relatively, because, as I have said, there is a difference of two annas three pies per maund. We were not groping in the dark. We had these facts before us and that is why we said, when this parity is not kept up, a duty of 1-5-0 means an effective reduction in the amount of protection, namely, 7-12-0, which you state you are giving. Nor, was this all. We asked the sugar-cane experts to work out the basis of the costs in the factory on the analogy of the Tariff Board calculations, not merely to take the Tariff Board figures and then adopt them, but taking present day conditions and taking all other factors which he can legitimately take into consideration in view of the increased development of the sugar industry. We asked them to take the figures and work out the cost. We were not groping in the dark. We did not take any figure which any sugar-cane manufacturer gave to us. My Honourable friend, Dr. Ziauddin, has done a grave injustice in suggesting that we took the figures from any Tom, Dick and Harry and accepted them as gospel truth and then worked out the basis. Nothing of the sort. We tried to examine this case as scientifically as we were capable of examining. There is a wide difference, wider than is represented by this gap in the floor of this House between the Honourable Members on the Treasury Benches and we on the Opposition side. So long as this system of Constitution remains, so long as they cannot be replaced by us, their words are Biblical truth, our words are mere guesses and have no value at all. The Honourable the Finance Member may indulge in all sorts of economic heresies. They will be implicitly believed by the House on that side and unfortunately also by certain Members on this side. When we can cross the floor and work out alternative policies, then and then alone will this side of the House be respected for any statements that it makes with reference to facts, figures, policies and programmes. That is the reason why I was referring to the fact that there is a constitutional inhibition which militates against our putting forward views which will be approved by this House.

Now, Sir, as I said, we tried to work out these figures on a scientific basis and we asked the sugar-cane expert to work out a fair
5 P.M. selling price ex-factory, taking broadly speaking, the lines on which it was worked out by the Tariff Board, but modifying it in any way he considered proper in the light of the present day conditions of the industry. He made those modifications and I should like to refer to those modifications before I read out the figures that he arrived at on that basis :

"Modifications required under present conditions."

That is the heading which the Sugar-cane Technologist gives before he works out these calculations :

"The basis adopted by the Tariff Board,"

—he says:

"needs modification now in the following respects, due partly to changed market conditions and partly to discrepancies in the data supplied to the Board."

So it was not a mere mechanical adaptation of the Tariff Board's basis of figures. It was something far more important, and when I give the modifications, the House will realise how far he has brought down the cost of factory manufactured sugar. Capacity. This is the first modification that he has made:

"The quantity of cane which a factory of the type considered by the Board can crush is much higher than 13 lakh maunds cane per season. Several such factories actually working at present have crushed 20 to 23 lakh maunds. A figure of 18 lakh maunds may be adopted as a conservative average."

So that, in place of the 13 lakhs which the Tariff Board took, the Sugar Technologist takes 50 per cent more, namely, 18 lakhs of maunds. This has got an inevitable bearing on every item of the cost of production which he arrives at. The second modification is the price of cane. The prices of cane may be assumed for the present purpose to be five annas, $5\frac{1}{2}$ annas and six annas. These were figures which we ourselves gave to him for working out the cost, and when my friend, Mr. Bajpai's Bill is passed, I cannot see how in any Province he can get very much less than any of these figures. Six annas, I believe, is what the Government are contemplating in this respect. Molasses is almost unsaleable now. Therefore, he has wiped out the amount of profit that the Tariff Board suggested could be made out of molasses. All the other data may be kept as before, although minor changes in some of these will be desirable if an exact figure to suit present conditions is required. In the following table are shown the Tariff Board's original figures for the initial and final stages of protection side by side with revised figures calculated on the lines explained above. He has, of course, brought down the price of cane from Rs. 5-8-10 which the Tariff Board accepted to 3-7-6 and in the case of cane at five annas; 3-12-1 in the case of that at $5\frac{1}{2}$ annas and 4-2-8 in the case of cane at six annas. I am only giving the net working figure. The fair selling price ex-factory in the case of the five annas cane is 6-15-10, 7-4-5 in the second case and 7-11-0 in the third case. Now, if we add 1-5-0 which my Honourable friend, the Finance Member, wants to add, then the figure in the last class of cases would be 8-4-10 fair selling price ex-factory.

The Honourable Sir George Schuster: What is my Honourable friend adding? These are figures per maund. He must add 0-15-7, not 1-5-0. It comes to 7-15-5.

(Interruption by Mr. G. Morgan.)

Diwan Bahadur A Ramaswami Mudaliar: I am just coming to the European Group. I wish they had remembered the days when their jute merchants made 300, 400 and 500 per cent profit, without a thought as to how they should give the result of that benefit to the cultivators of jute. I wish they remember the days when, during the war, irrespective of the people who were fighting on the western front, they went on making large profits on their industries. It does not lie in their mouth to turn round and say that these people are making 40, 50 or 60 per cent profit. If your hands are clean, then you may legitimately ask other hands to be clean. Then, it will be time enough for you to say that nobody can make more profit than 10 or 20 per cent.

Mr. G. Morgan: I wish my friend had heard what I said. I did not say anything of the kind that he attributes to me. What I said was that 15 annas seven pies was two annas more than the profit which is shown in the figures which my friend was reading out. That is all I said. I did not say anything to justify the terrible accusations that my friend is making. That is all I said. I must ask him to whitewash me from these accusations.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, my Honourable friend sits in such a questionable quarter that one does not know whether a friendly or hostile criticism comes from him, and especially when my friend, Sir Darcy Lindsay, just a little while ago spoke of the large profits of our sugar factories, I thought he, as a humble follower of his, was following the same lines. I apologise to my friend and readily accept his correction. I am very thankful in any case that this has given me the time to make up the additions required in the case of the six annas cane with which we are primarily concerned. On 15 annas and seven pies, the fair selling price at the factory is Rs. 8-10-7. My Honourable friend, the Finance Member, said that the fair selling price today at the factory was Rs. 8-2-6.

The Honourable Sir George Schuster: No. That was the average for last year. I said today's price averaged Rs. 8-8-8.

Diwan Bahadur A. Ramaswami Mudaliar: The average for last year was Rs. 8-2-3. Now, my friend says the average price for this year is Rs. 8-8-3. I am not quite certain how he has been able to get the average during so short a period.

The Honourable Sir George Schuster: I said that on the basis of today's prices, the average price for Indian sugar—taking fifty per cent for the first and fifty per cent for the second—works out to a mean price of Rs. 8-8-3.

Diwan Bahadur A. Ramaswami Mudaliar: Even so, taking the best statement of the case possible—and I take it that the Honourable the Finance Member has now made his best statement of the case

The Honourable Sir George Schuster: No, no, I have got a lot more to say.

Diwan Bahadur A. Ramaswami Mudaliar: Even on that basis, there is a gap of two annas and four pies which has got to be made good. Sir, I am a little sceptical of these averages. We all have heard of the saying that the man who crossed the river on the basis of the average depth did not get out at the other side of the stream and in the Select Committee we had a very good example showing how misleading these average prices can be. I do not know how these averages can help my Honourable friend, but even on that basis, I have pointed out that there is a difference of at least two annas and six pies between the rate at which he says it sells and the price at which it must sell if this duty has to be paid. That, Sir, is our conclusion on the facts. I want to assure this House, and gentlemen who are willing to accept an assurance from a humble occupant of these Benches and not from the exalted individuals sitting on those comfortable seats on the Treasury Benches,

The Honourable Sir George Schuster: The same is the case with the seats on the opposite Benches.

Diwan Bahadur A. Ramaswami Mudaliar: Anyway, we have not tried those Benches, we do not know how much more comfortable they are in those seats; we know that these seats of ours are uncomfortable in these hot days. We came to the conclusion that one rupee was a proper duty—and that not in a fit of vexation against the Government for their proposals, not because we wanted to suggest something which the Government did not suggest, or because we wanted to swallow figures from Members who were producers of sugar-cane, but because we tried to do our best in this subject and to work out these figures as best as we could.

Sir, I quite agree with my Honourable friend, Mr. Mitra, that it was a handicap to us and not a help that on the Select Committee there were sugar-cane manufacturers who were personally interested in this matter, and I would like to echo the sentiment he expressed that where gentlemen are personally interested in these matters, it would be very much better if they did not get on to the Select Committee and only tried to appear as witnesses before the Select Committee. (*The Honourable Sir George Schuster:* "Hear, hear.") In this case it is perfectly certain that they would have improved their case and probably would have had a fairer hearing in the Select Committee if they appeared as witnesses instead of trotting out their own personal experience concerning their own factories. (Hear, hear.) Then, my Honourable friend said that we must have 1,47 lakhs of rupees of revenue out of this, and I ventured to suggest in the Select Committee, and I am glad my friend, Mr. Neogy, has pointed out that when my Honourable friend comes forward and says that out of a particular duty, out of a particular tax, he wants to get a particular amount, he is not entitled to say, "let me have the same rate of duty or tax, whatever the amount may be". The real crux of the problem is, whether you are going to get it at that rate or not. The real problem is, whether he shall have the amount that he wants or not. The rate is a minor question and this House must satisfy itself that he will get the Rs. 1,47 lakhs—and I propose to satisfy this side of the House if it will accept the assurance from a humble Non-Official Member that he will have the Rs. 1,47 lakhs, notwithstanding the fact that the duty is reduced from Rs. 1-5-0 to one rupee. Now, it is a very simple proposition. At the present time, the Honourable Member has calculated that 550,000 tons of sugar is produced in this country. During the last year, about 350,000 tons of sugar has been imported from Java. Those are at any rate two incontestable facts. Therefore, the total quantity required in this country is somewhere about 900,000 tons. My own idea is that the total quantity of this kind of sugar consumed in the country is very nearly one million tons. Now, I put it as a proposition which is really beyond criticism or beyond objection that the country as a whole will consume that one million tons of sugar, whatever jugglery we play with customs duties or excise duties. If that is a fact, then I say that either the internal production will go up or the external import will go up, so that the amount—900,000 tons taking the lowest figure—is reached for purposes of consumption of sugar in this country. My Honourable friend says that he has put the imports at one hundred thousand tons, whereas, during last year, it was

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850,000 tons. For the sake of argument, let me accept that. It is obvious that the internal production of sugar must go up and it stands to reason within small margins that the internal production will be maintained at about 800,000 tons.

The Honourable Sir George Schuster: Sir, I think it will save a good deal of confusion if I tell my Honourable friend what the position is. I may say to a great extent I accept his figures when he reckoned that roughly speaking the consumption in India may be in the neighbourhood of a million tons. Out of that, about three hundred thousand represents *khandsari* sugar. Out of that *khandsari* sugar, we reckon that only about fifty thousand tons will be subject to the duty. That leaves 700,000 tons to be provided by sugar made in Indian factories and to be imported from Java. Now, the difficulty is to know how much of that 700,000 tons will be imported and how much will be made in this country. We, on our official estimates, have assumed that 105,000 tons will be imported and 595,000 tons will be made in this country. Then, one has to remember that according to the method of collecting the excise, which is retrospective, we shall get only 11/12 of the duty this year. That is a fact which I think Honourable Members opposite, who have been doing sums in arithmetic, have forgotten. With these data, I think my Honourable friend will be able to work out the consumption and find out the facts. He must also recollect that one pie out of one anna five pies is earmarked for contribution to the Provinces, so that the amount on which we calculate our duty is only one anna and four pies. Then, as regards the amount that we expect from the import duty, that will vary directly with the amount of the increase in internal production and my Honourable friends have said that I have underestimated the amount. Well, the only thing I can tell them is that for the month of March the actual import duty receipts on sugar were under fifteen lakhs. We had not anticipated a drop of the monthly figure to anything like that sum at this time. We thought we were going on to get our import duties pretty regularly for the next six months and that the real drop would begin in October. Sir, these are the facts. I think it will cut short my Honourable friend's time if I tell him that I agree with his figures.

Diwan Bahadur A. Ramaswami Mudaliar: The only difference between myself and my Honourable friend is that my basic figure of one million tons excludes *khandsari* sugar.

The Honourable Sir George Schuster: Then, if I may say so, it is an absurd figure.

Diwan Bahadur A. Ramaswami Mudaliar: My Honourable friend suggested that he was calculating on 550,000 tons of sugar, he did not take into account *khandsari* sugar. He calculated one crore and forty seven lakhs on the basis of that 550,000 tons. Whether he calculated later on 11/12 of the production or the full year's production I am not aware, but taking it that he adopted the full year's production, if my Honourable friend took 550,000 tons for the next year and if I add the figure of 850,000 tons which came in during the year, then the total of these two years comes to 900,000 tons.

The Honourable Sir George Schuster: We have never had an import of 350 thousand tons in addition to the local home production of 500 thousand tons of factory made sugar.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, my Honourable friend has chosen to use very strong language. As I said, our figures can always be characterised as absurd. But I cannot return the compliment. I can only give facts and leave the adjectives to be supplied by my Honourable friend. Last year, the total amount of production from factories was somewhere about 586 thousand tons. I am prepared to put it even at 550 thousand tons. These are facts. The existence of these figures may give the absurd result, but I am not responsible for it. In 1933-34, the total quantity produced in factories is about 550 thousand tons and the total quantity imported till the end of March was 350 thousand tons.

Mr. G. S. Hardy: It was not 350 thousand tons.

Diwan Bahadur A. Ramaswami Mudaliar: I thought I had a statement from the Sugar Technologist saying that, up to the 25th March last year, the total quantity produced in March was 329 thousand tons. I may be wrong again. If you add these two figures, you get 880 thousand tons. And, as I said, the total quantity of sugar consumed from factories and from imported sugar is about 900 thousand tons. I am sorry that when I said that I was told that I indulged in an absurdity. I am conscious of my own position and I do not want to dwell on it further. This amount of sugar must continue to be consumed in this country. If imports go down, then correspondingly the indigenous production must go up. If only 100 thousand tons is to be imported, then the indigenous production goes up to 750 or 800 thousand tons. Conversely, if the indigenous production goes up only to 600 thousand tons, there must be an import of 300 thousand tons. Therefore, I suggest that on either basis there has been an under-estimate on both sides. In any case, at the rate of one rupee, the Honourable Member is certain to have the amount of excise duty that he wants.

Then, Sir, there is another reason. If it is possible to import about 330 thousand tons of Java sugar at this time, when there was no excise duty, it stands to reason that there will be larger imports when the indigenous industry is further handicapped by an excise duty. But, Sir, one need not indulge in prophesies. In 12 months' time, we will know where we stand, and I undertake to write to my Honourable friend, the Finance Member, wherever he may be, the result of these proposals whether our estimates are right or his estimates are right. It is for that purpose that I want it to be on record that we, on this side, say that either on one head or the other the Honourable the Finance Member has made an under-estimate and he is certain to get the amount of duty that he has asked for. Sir, I do not want to prolong the debate. I can only say that with the best of intentions and with all the desire to help the Government and with the full facts of the industry before us, we have come to the conclusion—whether the Government accept it or not, whether the majority of the House in this case accepts it or not, whether the amendment is carried or rejected—that one rupee is a fair duty on the industry and it is a duty which will produce to the Government the revenue which they desire.

Mr. B. Das: Sir, I am for the excise duty at the level of one rupee. Sir, you were not in the House yesterday afternoon when I raised the point that the Select Committee's Report had been presented on the floor of the House without appending the necessary statistics that were supplied to the Select Committee. This afternoon, Mr. Aggarwal, and, just now, Diwan Bahadur Ramaswami Mudaliar read out statements which, although the Finance Member promised us last evening, have not been circulated. Therefore, I request you to give a further ruling that in future the Assembly Department should not accept any Report of the Select Committee unless there was a paragraph in it to the following effect: "We have appended all the statistics and papers that were submitted to us in the Select Committee".

Sir, when I support the duty of one rupee, I do so purely on financial grounds. Since the 28th February last, I have been under a suspicion and under a cloud from my friends both here on the floor of the House and also from those who are my colleagues in the Federation of Indian Chambers of Commerce and other Merchants Chambers. I have maintained that there should be excise duty and my friends have said that I was going to hit the sugar factories and it will work adversely. From the facts and statistics that have been so often quoted, I find that one rupee is just sufficient and adequate. My Honourable friend, the Finance Member, queried my Leader, Mr. Neogy, and said that he would like to get as much money as he can. My support to him from the 28th February was due to the fact that I would like to see his Budget balanced. I do not want to give him a penny more than he needs actually for the purpose of balancing his Budget. And why should he fight with us? He is going to get a crore and a half, and I can take a bet with him that he will get something more. He may not be here, but his successor will get that amount. I am ready to take any bet, and I think most of us on this side are willing to take the bet that with one rupee duty on factory made sugar and ten annas duty on the *khandsari* sugar, Government will get much more than they expect. If the Honourable the Finance Member wants to have a fight, let him fight. Let him take the vote, but history will prove, as my friend, Mr. Mudaliar, has pointed out, that we are in the right and the Honourable the Finance Member and the Government of India are in the wrong.

The Honourable Sir George Schuster: Sir, a great deal of this ground has been covered very many times and I am unwilling myself to weary the House by going over arguments which have been very frequently repeated. On the other hand, I do not wish to lay myself open to the charge of having taken an attitude of not even taking the trouble to deal with the figures that are put up on the other side. Let me deal, first of all, with the question whether we are going to get more revenue than we need from this duty. My Honourable friends opposite have been indulging in various calculations. I regret that I cannot follow their calculations, nor can I check the figures which my Honourable friend, Mr. Mudaliar, just gave, because I do not know from what sources they were taken. I can only repeat—and these figures can, therefore, be criticised, because I put them very clearly and simply—I can only repeat that we are reckoning on a consumption of about one million tons of sugar imported

and locally made,—including both factory made and *khandsari* sugar—next year and that it is on the basis of that assumption that we have worked out our estimates of revenue. Having taken that assumption, it is merely a question of deciding how much you will allow for imported sugar and how much you will allow for home made sugar. I can tell the House that our original forecast supplied by the Central Board of Revenue worked out to the conclusion that we could only rely on an import of 50,000 tons of sugar next year. We did not accept that conclusion and we have put it up to about 105,000 tons, because we thought that the readjustment would not take place so quickly. On the other hand, in the whole of the history of this development of sugar in India, it has been a remarkable fact that the local development has consistently exceeded even the wildest estimates. Therefore, I must say that I do not feel entirely secure about getting even the revenue for which we have estimated on imported sugar next year, and the figures that I have quoted for the March returns are certainly somewhat disquieting. But, Sir, that is not the only question. It is not merely a question of whether we are going to get a little more revenue under this particular head than we have estimated. I am quite prepared to face the possibility that my Honourable friend will be able to write to me next year and tell me that he was right and I was wrong. That is, of course, a definite possibility, but I have to view the position as a whole and I say again, with the greatest emphasis that I can command, that we do need all the revenue that we can get, and that, if we can get a bit more from sugar than I have estimated, that will be a very fortunate event, an event which will not put us in possession of more funds than we require, but one which will just give that security which the position needs. I shall have to speak more fully on this subject when we come to discuss the Match Excise Bill. But I must absolutely refuse to accept the very curious doctrine which has been urged from the opposite Benches that if I come to the House and say that I am proposing a certain increase of duty on a particular article, and I am estimating that I shall get, say, 1,47 lakhs from that, then the House is entitled to say to me if they can prove that I can get, say, 1,67 lakhs instead of 1,47 lakhs that then I must make a corresponding reduction in my proposals as regards the duty. If we accept that principle, I should be conceding the right of the House to propose variations on the duties on every single item in the Customs schedule and the result would be that I should be forced to reduce the rates of duty on those items where there is a chance of getting more than my estimates, whereas nobody on the opposite side would concede to me the right to increase the rates of duty on those where I was likely to go wrong. I do not think that any one on serious consideration of the responsibilities of a Finance Member would expect me to accept a proposition of that kind.

The next most important issue is, as to whether the industry can stand this rate of duty. There my Honourable friend, Mr. Mudaliar, has given substance to the minute which he signed and his explanatory note by referring to the figures which were put before the Select Committee. I want again to emphasise that these figures which my Honourable friend quoted were figures supplied in answer to a request made by members of the Select Committee that we should put before them estimates of the

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fair selling price of sugar calculated in present conditions on the basis on which the Tariff Board made its calculations. We complied literally with that request and these figures are the result; but we do not for a moment admit that those figures so calculated represent the actual cost of production. We made it quite clear in the Select Committee that we, from our own information, thought that the general average cost of production was considerably less than the figure thus calculated. In fact, as I have already pointed out, the actual cost, apart from the cost of purchase of cane, works out in these figures at Rs. 2-11-0 per maund and we put forward the view that the actual realised cost in well-established factories was no more than Rs. 1-8-0 to Rs. 2-0-0 a maund. We took our stand on the figure of Rs. 2-0-0, and we believe that that is a figure which is generally accepted. Now, Sir, even however if I take these figures of the fair cost of production calculated on the Tariff Board basis, it is possible for the factories on the present price of sugar—and I again take the figure which I have already given—on the basis of 50 per cent first and 50 per cent second, it is quite possible for the factories to pay 5½ annas for cane and to pay a ten per cent dividend and have about three per cent on their capital over and above that. It is possible for them to pay six annas for cane and to earn an 8½ per cent dividend. I think if those figures are correct, nobody could dispute the fact that factories can fairly be asked to pay an excise duty on this level. The question of what price they will actually have to pay for cane is one into which we cannot go now; but the question will come up in connection with the Bill to be moved by my colleague, Mr. Bajpai, after this Bill is through. Now, I have noticed with some satisfaction that the factory owners wish to calculate their cost on the basis of paying six annas for their cane, but I do not think there is any one who can get up in this House and say that on an average the factories this year paid anything like six annas to their cane. If they can even establish that they paid, that all the factories have paid an average of five annas for their cane, I think it would be a satisfactory result, far more satisfactory than one has reason to expect according to certain recent information.

Now, Sir, I want to make it clear that in making these estimates of what the industry can stand, one is working on two uncertain factors, the factor of the price of the cane and the factor of the price that can be realised from sugar. If the price for cane is to be kept up at 5½ annas, if the average price of sugar is only Rs. 7-12-0, then I would admit that the factories or some of them at least will have a hard task, they will have to increase their efficiency very much, if they wish to pay a ten per cent dividend, but they will not be driven out of existence. I absolutely refuse to admit that. I think, Sir, that on the figures, on whatever basis you look at them, you are bound to reach the conclusion that the industry will be left with a fair chance of success after paying a reasonable price for cane. Moreover, what I want to remind the House of is this—that, when the Tariff Board reported, the conditions were entirely different from what they are today. The industries might perhaps have looked forward to yield ten per cent on their capital when prices were generally high. But today we are living in times of extreme depression. There is practically

no industry in the world which can expect to earn a ten per cent return on its capital today. If, having started two or three years ago, any industry now can pay five per cent on its capital, it is doing very well indeed. Now, Sir, I do not wish to speak as one having special authority who pays no consideration to what is said on the other side. My Honourable friend opposite is quite entitled to his opinion; his opinion on many of these matters is just as valuable as mine. The only quarter of the field in which I would query that is when he expresses opinions as to what my financial needs are, because, when he goes into that field, my Honourable friend cannot possibly be in possession of a full knowledge of all the facts, and it is in the light of a full knowledge of all the facts that I have made my statements in this connection.

Now, Sir, there is only one thing which I would like to say in conclusion. I think all of us, who have studied this question and studied the position of the sugar industry in India, would be prepared to admit that the imposition of any excise duty at this stage will give what I may describe as a certain jolt to the industry. Undoubtedly some of the factories will have to set about adjusting themselves to new conditions; but the point which has always impressed itself on my mind in the whole position is this, that if we had done nothing, if we had allowed the present position to continue unaltered, they might have had another few months of greater prosperity, but in the end the jolt which would have come to the industry would have been far worse. There is no doubt that the industry was moving too rapidly in the way of expansion of production and that the time had come, as I have said at an earlier stage in these discussions, when in everybody's interests it was desirable to call a halt. Naturally the imposition of this excise duty will diminish the attraction of putting up new factories; and I am not surprised that one Honourable Member gave us one example where a new factory had been planned and the order had not been placed. But the fact remains that ten new factories have been ordered since the 1st January and four new factories since the actual excise proposals were announced; and I think I am correct in stating that since the 1st January everyone concerned with the sugar industry has had a pretty good idea that something of this kind was coming. That shows that we are not killing off progress, but, on the other hand, I think it is highly necessary that just at the present stage progress should be slowed up.

To sum up, we still believe what we believed when we first proposed this measure. We believe that the industry can fairly bear this burden, that it is a good thing for it that it should have to make the adjustment which will be necessary, and we feel that it is a fair measure of taxation imposed at a time when the country badly needs the revenue.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (2) (ii) of clause 3 of the Bill, after the words 'one rupee' the words 'and five annas' be inserted."

The Assembly divided :

AYES—49.

Abdul Aziz, Khan Bahadur Mian.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Anklesaria, Mr. N. N.
 Bajpai, Mr. G. S.
 Bhowre, The Honourable Sir Joseph.
 Brij Kishore, Rai Bahadur Lala.
 Chatarji, Mr. J. M.
 Clow, Mr. A. G.
 Cox, Mr. A. R.
 Dalal, Dr. R. D.
 Darwin, Mr. J. H.
 DeSouza, Dr. F. X.
 Fazal Haq Piracha, Khan Sahib
 Shaikh.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel Sir Henry.
 Graham, Sir Lancelot.
 Grantham, Mr. S. G.
 Haig, The Honourable Sir Harry.
 Hardy, Mr. G. S.
 Hezlett, Mr. J.
 Hudson, Sir Leslie.
 Ibrahim Ali Khan, Lieut. Nawab
 Muhammad.
 Jawahar Singh, Sardar Bahadur
 Sardar Sir

Lindsay, Sir Darcy.
 Macmillan, Mr. A. M.
 Metcalfe, Mr. H. A. F.
 Miller, Mr., E. S.
 Mitchell, Mr. K. G.
 Mitter, The Honourable Sir
 Brojendra.
 Mujumdar, Sardar G. N. *
 Mukharji, Mr. D. N.
 Mukherjee, Rai Bahadur S. C.
 Nihal Singh, Sardar.
 Noyce, The Honourable Sir Frank.
 Pandit, Rao Bahadur S. R.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Rajah, Rao Bahadur M. C.
 Ramakrishna, Mr. V.
 Rau, Mr. P. R.
 Russell, Lieut.-Colonel A. J. H.
 Sarma, Mr. G. K. S.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Sher Muhammad Khan Gakhar,
 Captain.
 Singh, Mr. Pradyumna Prashad.
 Sloan, Mr. T.
 Talib Mehdi Khan, Nawab Major
 Malik.
 Wajihuddin, Khan Bahadur Haji.

NOES—21

Abdoola Haroon, Seth Haji.
 Aggarwal, Mr. Jagan Nath.
 Azhar Ali, Mr. Muhammad.
 Bagla, Lala Rameshwar Prasad.
 Das, Mr. B.
 Gunjal, Mr. N. R.
 Hari Raj Swarup, Lala.
 Jadhav, Mr. B. V.
 Jog, Mr. S. G.
 Liladhar Chaudhury, Seth.
 Maswood Ahmad, Mr. M.

Mudaliar, Diwan Bahadur A.
 Ramaswami.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Neogy, Mr. K. O.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Sen, Pandit Satvendra Nath.
 Shefee Daoodi, Maulvi Muhammad.
 Singh, Mr. Gaya Prasad.
 Thampan, Mr. K. P.
 Uppi Saheb Bahadur Mr.

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair understands it is the general desire to sit a little longer and finish the Bill.

Several Honourable Members: Yes, Sir!

Dr. Ziauddin Ahmad: We can sit till 8 o'clock and finish the Bill.

An Honourable Member: No speeches on third reading.

The Honourable Sir George Schuster: On a point of personal explanation, Sir. I had an opportunity in the interval to look up these figures about sugar consumption, and I think perhaps I can clear up the confusion in the difference between my friend and myself. As far as I can make out, he was quoting the estimated sugar production for 1934-35, that

is next year, 586,000 tons, and adding that to the actual Indian imports for 1932-33, which was 369,000 tons. I think that is how my friend arrived at his figure. It explains why I could not agree with him.

Mr. Uppi Saheb Bahadur (West Coast and Nilgris: Muhammadan): Sir, I beg to move:

"That in sub-clause (2) (ii) of clause 3 of the Bill, after the word 'palmyra' the words 'and cocoanut' be inserted."

Sir, the Select Committee has exempted the sugar produced from *palmyra* for obvious reasons, and the chief reason for exempting *palmyra* sugar is that it is a nascent industry in this country. It is not yet sufficiently developed, and it is only being developed on a commercial scale. Sir, for the same reason I request that the word "cocoanut" should also be added. Nobody has yet attempted to manufacture sugar from cocoanut tree juice, but some people are now contemplating to try the experiment. And, Sir, if they are threatened with an excise duty, nobody will venture to proceed with the experiment. You know that in recent years the price of cocoanut has gone down to a very low level, and so we have to find other avenues to make use of the cocoanut tree. Cocoanut tree stands on a different footing from the *palmyra* tree, because for the cocoanut tree we have to pay assessment, while for *palmyra* tree we have not to pay any assessment or Government tax. It is with a view to helping the experiment that is proposed to be undertaken by a few enthusiasts and to utilising the large number of cocoanut trees that exist in Malabar that I request the Government to insert the word "cocoanut" also. For the present it is not going to harm the Government in any way, because Government have got the power to impose a duty at any time when they find the industry paying. If the experiment of making sugar from cocoanut succeeds on a commercial scale, then Government can certainly think of bringing this industry too within the purview of this measure. But if this duty is imposed just at this stage when the industry is still in an embryo stage, nobody would dare to start this enterprise, because the moment we find that the industry is started, there is the fear of our coming under the excise duty, and, therefore, the attempt is likely to be given up and the very idea of attempting to develop the industry will not be able to make any headway.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:—

"That in sub-clause (2) (ii) of clause 3 of the Bill, after the word 'palmyra' the words 'and cocoanut' be inserted."

Mr. K. P. Thampan: Sir, I have great pleasure in supporting the amendment just moved by my friend, Mr. Uppi Saheb. I am glad the Select Committee decided to exclude the sugar made from *palmyra jaggery*. I know in South India, particularly in South Malabar, there is a large industry engaged in the manufacture of *jaggery* out of *palmyra* toddy. This industry exists in certain other districts also in South India such as Tinnevely, and it gives employment to thousands and thousands of people. From Palghat alone I know that three wagon loads of *jaggery* are being sent every day to Messrs. Parry and Company's refinery at

[Mr. K. P. Thampan.]

Nellikuppam. If *palmyra* sugar can be exempted, then there is a stronger case for exempting cocoanut sugar, because the percentage of sugar obtained from cocoanut *jaggery* is much less than that obtained from *palmyra jaggery*. My friend, Mr. Uppi Saheb, said that at present, sugar was not made out of cocoanut *jaggery*. I am not quite sure about that. In North Malabar, particularly, *jaggery* is made out of the toddy extracted from the cocoanut palms, and I am not quite sure if that also is not sent to Nellikuppam and other places for refining purposes. At any rate it is a growing cottage industry in Calicut, Kottayam and other taluqs of North Malabar and ought to be fostered. As I said, if the *palmyra jaggery* is exempted from the scope of this Bill, cocoanut *jaggery* should also be exempted. Under the circumstances, as pointed out by my friend, Mr. Uppi, the duty would give a set back to the improvement of this industry, and, I, therefore, support the amendment.

Mr. G. S. Hardy: In accepting, in the Select Committee, the exclusion of *palmyra* sugar from the general rate of excise duty and providing for an enquiry before a rate of duty was fixed, we were dealing with an article which had already been the subject of comment, not only in the Tariff Board's Report, but also in a much earlier Report, the Report of the Sugar Committee. There is no reference, so far as I know, in either of those documents to cocoanut sugar, and I understand that there is at present no cocoanut sugar produced in factories anywhere. Should production on a commercial scale be begun, it would always be open to producers to ask for relief, and Government have ample power, as has already been pointed out, under clause 10 of the Bill, to give such relief as they may consider necessary. But, Sir, I do not think that the House should agree to put cocoanut sugar on precisely the same footing as *palmyra* sugar with regard to which we have a certain amount of information. Sir, I must oppose this amendment on behalf of Government.

Mr. Uppi Saheb Bahadur: Supposing they experiment in the manufacture of such sugar, will you come down upon them with your excise duty?

Mr. President (The Honourable Sir Shanmukham Chetty): If it is made in a factory, yes.

Mr. B. Das: Will it not be a microscopic amount if the excise duty is levied?

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (2) (ii) of clause 3 of the Bill, after the word '*palmyra*' the words '*and cocoanut*' be inserted."

The motion was negatived.

Bhai Parma Nand: I beg to move:

"That to sub-clause (2) of clause 3 of the Bill, the following be added:

'(iv) The Pioneer Sindh Sugar Mills Company (Pretamabad, Sindh) for special reasons be exempted from the operation of this duty for three years'."

The position is this. This company has been started for the last 11 months, and the special reasons why this exemption is sought for are that in Sind there is no cultivation of sugar-cane, and this company has spent a great deal of money on bringing in thousands of maunds of cane from the Punjab. The company has engaged in the cultivation of sugar-cane in their own lands, and thus they set an example to the rest of the zamindars of Sind. Practically the whole proceeds of this year have gone to the cultivator of sugar-cane. Next year too they do not expect any profit. They could have invested their capital in starting factories in some other Provinces where they could easily get sugar-cane, but their object is to benefit the agriculturists in Sind proper and to introduce this new industry in that Province so as to help the agriculturists of that Province. Having this motive before them, I think they deserve encouragement. For these reasons, the company should be exempted from duty for three years, and if not, for two years at least. I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That to sub-clause (2) of clause 3 of the Bill, the following be added:
'(iv) The Pioneer Sindh Sugar Mills Company (Pretamabad, Sindh) for special reasons be exempted from the operation of this duty for three years.'"

The Honourable Sir George Schuster: We have already considered this case on the strength of a direct representation that we have had, and we can find no case for giving a special concession to this particular company. I must, therefore, oppose my Honourable friend's amendment, because a concession of this kind would create a most dangerous precedent.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That to sub-clause (2) of clause 3 of the Bill, the following be added:
'(iv) The Pioneer Sindh Sugar Mills Company (Pretamabad, Sindh) for special reasons be exempted from the operation of this duty for three years.'"

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair thinks amendment No. 28* of Mr. Maswood Ahmad is covered by clause 10.

Mr. M. Maswood Ahmad: They can exempt, but I do not think they can decrease the duty.

The Honourable Sir George Schuster: The Governor General in Council has power under clause 10 to reduce the duty.

Mr. M. Maswood Ahmad: Then I do not move it.

*"That to clause 3 of the Bill, the following new sub-clause be added:

'(3) The Governor General in Council may, by notification in the Gazette of India, decrease the rate of excise duty payable under this section, on any variety of sugar.'"

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment No. 29* of Seth Haji Abdoola Haroon. A similar one has been negatived before, and, therefore, this is not in order.

Rao Bahadur B. L. Patil: I beg to move :

"That after clause 10 of the Bill, the following new clause be inserted, and the subsequent clause be re-numbered accordingly :

'11. Notwithstanding anything contained in the foregoing sections of this Act, every factory registered under the Co-operative Societies Act shall not be liable to pay any duty'."

Before I say some few words on this amendment, I seek your permission to make certain alterations in that amendment as the drafting is a bit inaccurate. I want to substitute the word "factories" in the place of "every factory" and to change the word "Act" into "Acts", so that the amendment may read as follows :

"That after clause 10 of the Bill, the following new clause be inserted, and the subsequent clause be re-numbered accordingly :

'11. Notwithstanding anything contained in the foregoing sections of this Act, factories registered under the Co-operative Societies Acts shall not be liable to pay any duty'."

Mr. President (The Honourable Sir Shanmukham Chetty): Yes.

Rao Bahadur B. L. Patil: I need not elaborate any arguments on this amendment. I will simply categorically state my points. My first ground is that the cultivator is both the grower of cane and the manufacturer of sugar. My second ground is that in no case he is allowed to share a dividend of more than nine per cent under the various Co-operative Societies Acts and the bye-laws framed under those Acts. My third ground is as regards efficiency. It was argued in some quarter this afternoon that it would be giving a bonus for inefficiency either to reduce the duty or to exempt sugar produced in certain factories. But in the case of factories, registered under the Co-operative Societies Acts, there will be nothing of the kind. In the first place, the factories are very small. Their capacity is limited to 100 or 150 tons, and, therefore, in order to achieve the greatest efficiency they have set down a certain programme both for sowing the cane and for cutting the cane.

Another thing is that they are making their purchases on a collective basis. The whole factory purchases manure and other things that are required for the cultivation of cane. Also with regard to chemicals and other things which are required, they make purchases on some concessional basis. The fourth point is this. The factories registered under the Co-operative Societies Act do not pay interest on their capital invested to any private financier, but they always pay interest to co-operative financing banks. On these main grounds, I base my amendment. Then, let me consider what would be the effect if this amendment is adopted. In the whole of India, there are at the present moment not more than five factories. My information is that there are four factories in the Madras

*"That after clause 3 of the Bill, the following new clause be inserted and the subsequent clauses be re-numbered accordingly :

'4. The rate of duty mentioned in the previous section shall be levied until such time as surcharge on sugar remains in force'."

Presidency and there are two or three in the making. Similarly, my information with regard to Bombay is that there are some factories under contemplation on co-operative lines. Therefore, I submit that if at all there is any loss in revenue, the loss would be so negligible that the Finance Member would be good enough to exempt the Co-operative Societies at least for the sake of encouraging co-operative enterprise. With these words, I move my amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved.

"That after clause 10 of the Bill, the following new clause be inserted, and the subsequent clause be re-numbered accordingly:

"11. Notwithstanding anything contained in the foregoing sections of this Act, factories registered under the Co-operative Societies Acts shall not be liable to pay any duty."

Mr. T. N. Ramakrishna Reddi: I have great pleasure in supporting this amendment. The peculiarity in these co-operative factories is that the interests of the agriculturists as well as the factory owners are the same. As a matter of fact, it is the agriculturists that are the owners of the factories themselves and so there is not the conflict of interest as we find in the other factories. Here the factory owners, being the agriculturists themselves, can regulate the time of cultivation of crops and they can also cut the crop when it is ripe and they can systematise the supply of cane to the factories, whereas the other factories have to depend upon the supply elsewhere, and ryots, for the purpose of getting some money urgently, cut the crop when it is not fully ripe. There are many other difficulties. It is to the interest of the sugar industry that factories on a co-operative basis should develop. Government should come to their help and develop and see that they are exempt. Further, there is the supervision of the Government agency, because they have to borrow money from the co-operative central banks and apex banks. Hence there is a check on the spending of the money. On these grounds, they deserve exemption from the excise duty.

The Honourable Sir George Schuster: I am afraid I must oppose this amendment. No case has been made out. We have had no applications from Provincial Governments, or otherwise, for a special privilege of this kind, and it would be contrary to all precedents for us to grant such a privilege.

Rao Bahadur B. L. Patil: Such concessions are given to Co-operative Societies, for instance they are exempted from payment of registration fees and they are exempted from stamp duty and they are also exempted from the payment of income-tax.

The Honourable Sir George Schuster: I am quite prepared to accept that they have received certain privileges, but there is no precedent to granting to a Co-operative Society a bounty on this scale. It would be quite impossible to contemplate it. I must oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That after clause 10 of the Bill, the following new clause be inserted, and the subsequent clause be re-numbered accordingly:

"11. Notwithstanding anything contained in the foregoing sections of this Act, factories registered under the Co-operative Societies Acts shall not be liable to pay any duty."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 to 10, both inclusive, were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 11 stand part of the Bill."

Mr. G. Morgan: Sir, I move:

"That sub-clause (4) of clause 11 of the Bill be omitted."

I have not been able to find out how a clause of this description comes into this Bill. We would like to see all these powers kept definitely in the hands of the Governor General-in-Council. Perhaps the Honourable Member may be able to explain why it is necessary to have a clause of this description, but, so far as I can see, it is unnecessary. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That sub-clause (4) of clause 11 of the Bill be omitted."

Mr. B. Das: Sir, this is not an Ordinance Bill. Why should not this power remain in the hands of the Central Government? I oppose the motion of my friend, Mr. Morgan.

Dr. Ziauddin Ahmad: May I know what Local Government means in this connection? Does it mean the Governor-in-Council or does it mean the Ministers? I would like to know what it means before I speak.

Mr. G. S. Hardy: I think the answer to my Honourable friend, Dr. Ziauddin, depends upon the Province. In some cases, it will be the Governor-in-Council. In others, I imagine it will be the Governor acting with his Ministers. I think I am correct in saying that it depends on the particular Department in which the matter is dealt with.

The object of this part of clause 11 is this, Sir. We are anxious in making rules under this Act as far as possible to meet the convenience of everybody, and, in collecting this tax, to collect it with as little inconvenience as possible. Conditions differ in different Provinces and we think that it will be to the advantage of everybody concerned if in respect of particular matters of detail which may arise from time to time we give the Local Governments, who are responsible for collecting the duty, power to alter the rules to meet the convenience of those who may be entrusted with the collection of the excise duty. We have no intention of delegating to the Local Governments our powers in general; it is merely in a particular case that it may be desirable, in order to make for the general convenience. There is nothing in the least sinister behind this proposal, and I hope my Honourable friend, Mr. Morgan, will see his way to withdraw his motion.

Mr. G. Morgan: I think the Honourable Member has suggested a thing which I did not put into my remarks at all. I did not suggest that there was anything sinister behind it at all. The clause reads:

"The Governor General in Council may delegate all or any of his powers under this section to a Local Government."

My Honourable friend only proposes that it might be useful sometimes, when rules are made, that some of those rules may be made by a Local Government, but this is a very definite provision that:

"The Governor General in Council may delegate all or any of his powers under this section to a Local Government."

There was no suggestion from me that a sinister motive was behind the Government's proposal, and I do not know why, whenever any of us makes any objection, we should be construed as suggesting a sinister motive. There was nothing of the kind in my mind.

Mr. G. S. Hardy: I am very glad to receive my Honourable friend's assurance. I was under the impression that he was afraid that we might hand over powers which vest in this House to Local Governments who are not responsible to this House. I am sorry I should have misinterpreted him in that way.

Dr. Ziauddin Ahmad: Sir, I understand that by "Local Government" is meant "the Minister responsible for this Department". If this thing is to be decided by the Minister of Industries, who in most cases will himself have a very great financial interest in this particular industry, then I think it would be unfair to hand this over to a particular individual in the Province who can be removed at any time by the vote of the Council. If this thing is to be left to the Governor-in-Council (including Ministers), then it may have some meaning, but to hand it over to the Ministers of Industries in a particular Province, who himself may be an interested man, is, I am afraid, tantamount to this that, whatever we have done here will be undone in the Provinces, and, therefore, I beg to support this amendment. I think it is very important that we should know clearly what "the Local Government" clearly means. If it means "the Governor with his Council", then probably there may be no difficulty in transferring the power, but if it really means one man, the Minister, who himself may have a very great personal interest in the financial

[Dr. Ziauddin Ahmad.]

concern, and who himself may be owning several mills as some of the Ministers do own these mills, and when they themselves have guided certain Resolutions in the Council and gave an ultimatum to the Members of the Assembly that they will have no chance of being elected if they voted in favour of this Bill, then I think Government may well consider whether it is wise for them to hand it over to these persons who are definitely opposed to the whole of this Bill. Therefore, if "the Local Government" means "the Governor-in-Council", then I have no objection, but if it means the relevant Minister, then I think it is really incurring a great danger. Sir, I oppose this definition of "Local Government" and support the motion of my friend, Mr. Morgan.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That sub-clause (4) of clause 11 of the Bill be omitted."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): There is another amendment for the insertion of a new clause standing in the name of Mr. Morgan and Mr. Ramsay Scott. Does Mr. Morgan want to move it?

Mr. G. Morgan: Yes, Sir. I beg to move:

"That after clause 2 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly :

'3. Notwithstanding anything contained in sub-section (a) of section 2, the Local Government may, by notification in the local official Gazette, declare any premises wherein, or within the precincts of which, ten or more workers are working or were working on any day of the preceding twelve months, and in any part of which any manufacturing process connected with the production of sugar is being carried on or is ordinarily carried on with the aid of power, to be a factory for all or any of the purposes of this Act'."

Sir, I do not want to make a long speech on this matter. The object of this amendment is merely to prevent evasion. Honourable Members and also those on the Treasury Benches are aware that by reducing one man or two men, a factory would be able to evade the provisions of this Bill. This motion does not make it a statutory obligation, but it is left to the Local Government, whenever they find that evasion is going on, by means of the workers being reduced by one or two men, to make a declaration. At present there is no provision in the Bill by which they can be caught. They can go completely out of the Bill. If this clause is inserted, then the Local Government, if it finds evasion going on, can declare the premises to be a factory under the Act. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That after clause 2 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly :

'3. Notwithstanding anything contained in sub-section (a) of section 2, the Local Government may, by notification in the local official Gazette, declare any premises wherein, or within the precincts of which, ten or more workers are working or were working on any day of the preceding twelve months, and in any part of which any manufacturing process connected with the production of sugar is being carried on or is ordinarily* carried on with the aid of power, to be a factory for all or any of the purposes of this Act'."

The Honourable Sir George Schuster: Sir, if this proposal had been put forward in the Select Committee, I think we might have been quite prepared to consider it; but, at this late stage, I can hardly do anything but oppose it, because the acceptance of this amendment might be held to be inconsistent with a great deal that I myself said as to the range which we propose to give to this measure. I think that there is some substance in what my Honourable friend has said, and undoubtedly this question of evasion will have to be carefully watched. But we did go into this question very carefully in the Select Committee and we arrived at the conclusion that, as a start, we had better stick to the provision in the Factories Act as the test of what should be regarded as a factory. That gave us a good working rule and we thought it was best to adopt that as a start. Therefore, Sir, I must oppose this amendment, though I am ready to concede that the point at issue must be carefully watched in practice in the future.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That after clause 2 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly :

'3. Notwithstanding anything contained in sub-section (a) of section 2, the Local Government may, by notification in the local official Gazette, declare any premises wherein, or within the precincts of which, ten or more workers are working or were working on any day of the preceding twelve months, and in any part of which any manufacturing process connected with the production of sugar is being carried on or is ordinarily carried on with the aid of power, to be a factory for all or any of the purposes of this Act'."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 1 stand part of the Bill."

Rao Bahadur B. L. Patil: Sir, I beg to move:

"That to sub-clause (2) of clause 1 of the Bill, the following be added at the end :
'but excluding the Presidency of Madras and the Presidency of Bombay'."

Sir, I feel I am trying to do an impossible thing. However, Sir, I must place the full case before this House. I am convinced of, and I believe in, the justice of my case. Therefore, though I know that I am trying to do an impossible task, I want to move my amendment, and carry it, if possible.

[Rao Bahadur B. L. Patil.]

At the very outset, I want to make it clear that my friends from other Provinces need not be jealous about the two Provinces which I have included. Certainly I would have included Bengal, but I had no first-hand information about that Province. That is the reason why I have not included it. Even now, if the Honourable the President allows me, I am prepared to include Bengal.

Mr. C. S. Ranga Iyer: What about the United Provinces?

Rao Bahadur B. L. Patil: Sir, I do not want to take much time of the House, and I would simply categorically state the points on which I have relied in moving my amendment. I speak on two assumptions. The first assumption is that the higher duty proposed in this Bill will react on the cultivation of sugar-cane, and, consequently, also upon the provincial revenues. My second assumption is that factories of less than 200 tons capacity will not be in a position to save sufficient money even for keeping aside some amount for depreciation and other things. I do not plead for the sake of the sugar manufacturers at large. I plead mostly and chiefly for the cultivators. It has been pointed out on the floor of this House by several Honourable Members that when the Tariff Board recommended protection, they emphasised the fact that the industry could not be considered alone. It must be considered along with the advantage which protection could give also to the agriculturists. I do not want to dilate upon this point, because we have very little time at our disposal. I maintain that the distribution of benefits arising from the tariff must be divided equally between all the Provinces. I also maintain that the development of any industry must be equally distributed all over the country. It cannot for a moment be argued that the industry has developed so much in the United Provinces and Bihar, because the natural facilities there are greater than in Bombay, Madras and Bengal. I want to point out that the climate both of Madras and Bombay is highly suited to the cultivation of sugar-cane.

Mr. C. S. Ranga Iyer: It is due to lack of enterprise.

Rao Bahadur B. L. Patil: It is not due to lack of enterprise that we are lagging behind, but it is due to the attitude which the Government of India have adopted. They have diverted all their energies to the development of sugar-cane cultivation in the United Provinces and they call it the sub-tropical cane. The sugar-cane station of Coimbatore was mainly used for developing this industry in the United Provinces and Bihar. But they never paid any attention to the development of sugar-cane cultivation in the Provinces of Madras and Bombay. Sir, in the hope of developing our industry, the two Provincial Governments, of which I am speaking, invested crores of money in irrigation works. If I remember aright, the Government of Bombay invested ten crores of rupees in irrigation works. We know that in Madras there are no less than three big irrigation works and we also know that, when there is an over-production of rice, the cultivator can very well look to the cultivation of sugar-cane. Under these circumstances, if this Bill makes it impossible for the cultivators in those two Provinces to take to sugar-cane cultivation more and more, what would be the fate of the agriculturists? Then, Sir, with regard to Bombay and Madras, I wish to point out that we have not got as many railway facilities

as the United Provinces and Bihar have. In the United Provinces and Bihar, there is practically a net-work of railways and in every way they are in an advantageous position.

Mr. C. S. Ranga Iyer: Question.

Rao Bahadur B. L. Patil: Sir, I am definite about it. Then, Sir, in Bombay and Madras, the rates of water cess are higher than in any other place. In the United Provinces and Bihar, they grow their sugar-cane without irrigation. They grow their cane only by the water they get from rainfall. But in Madras and Bombay, we cannot grow sugar-cane without irrigation.

Mr. C. S. Ranga Iyer: Your soil is not good.

Rao Bahadur B. L. Patil: Our soil is better than the soil of the United Provinces and Bihar. I think my Honourable friend, Mr. Ranga Iyer, has forgotten his soil.

Then, Sir, I wanted to refer to certain figures, and I will quote them in half a minute. In Bombay, we have got at the present moment only eight or ten factories, and, out of these, two are in Native States. Of these, only one factory at Belapur is of 700 tons capacity, and all the rest are below 200 tons capacity. Almost all of them started working only very recently. I know that, with regard to Madras, the position is very much the same. For these reasons, I hope Government will take into consideration the pitiful situation of these two Provinces. I may point out that they would be at liberty to delete these words if and when they find that the factories in these Provinces are making huge profits and do not deserve any concession.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That to sub-clause (2) of clause 1 of the Bill, the following be added at the end :
'but excluding the Presidency of Madras and the Presidency of Bombay'."

Mr. T. N. Ramakrishna Reddi: Sir, I wish to support this amendment in as few words as possible. The Madras Presidency is consuming about 100 thousand tons of sugar. Of this, 55 thousand tons are being imported by sea and the rest goes from Northern India, as very little sugar is being manufactured in the Madras Presidency at present. Further, on account of small and scattered holdings, it requires great effort in the Madras Presidency to start a sugar factory. Then, Sir, Madras and Bombay being port towns, it is very easy for Java to import the sugar, because it has not got to pay any land freight. Hence Madras and Bombay are exposed to the importation of Java sugar. I, therefore, submit that the Government should take every step to facilitate the internal production of sugar in the Madras Presidency. When my Honourable friend referred to the fact that the Coimbatore station exists for the sake of Northern India, for the production of cane suitable to Northern India, some Honourable Members laughed at it. I find from this book the following statement:

"Madras has not benefited from the Coimbatore Research station as the experiments conducted there have so far been directed to production of cane suitable to sub-tropical conditions."

[Mr. T. N. Ramakrishna Reddi.]

So, Sir, they never cared to make experiments in cane to suit the tropical conditions obtaining in Madras Presidency.

The Honourable Sir Frank Noyce (Member for Industries and Labour): May I know what is the date of the publication of the book from which he is reading?

Mr. T. N. Ramakrishna Reddi: It was published in 1934, no month is given. So much so, that Madras is still having this old cane cultivation and the improved cane is not being cultivated to any considerable extent, and I, therefore, submit that Madras requires to be exempted from the operation of this Bill.

The Honourable Sir George Schuster: Sir, I find it very difficult to express adequately my astonishment that any Member of this Assembly should have moved an amendment of this kind. I do not see how India can exist in the future if proposals of this kind are to be put forward in the Central or in the future Federal Assembly of the country. Sir, on every possible ground, I oppose the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That to sub-clause (2) of clause 1 of the Bill, the following be added at the end: 'but excluding the Presidency of Madras and the Presidency of Bombay'."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir George Schuster: Sir, I move:

"That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill, as amended, be passed."

Lala Hari Raj Swarup: Sir, before this Bill is finally passed, I would request the Government to give two assurances to this House and to the sugar industry at large. The first assurance that we want is this that we shall be allowed to enjoy the remainder of the protection period without any threat of increase in the excise duty. I ask for this assurance on two grounds, the first is that so long as this threat is there, it is not possible for this industry to make adjustments or to reorganise itself in view of the duty now imposed on it. The second ground is that if this threat continues, then, towards the end of each financial year, there is always bound to be speculation in the price of sugar, and the sugar market will be upset every year causing serious miscalculations in the working of the factories.

The second assurance, Sir, that we want is that the recommendations of the Select Committee in connection with the grants for research on cane and on the establishment of a Sugar Research Institute and on the use of molasses will be seriously carried out. Why I press this point is this, that in the Select Committee on the Sugar (Protection) Bill, we appended a very strong recommendation in the following words :

"We considered very carefully the question of making statutory provision for an annual grant to the Imperial Council of Agricultural Research for sugar research work but, in view of the many difficulties involved in making a statutory provision of this nature, we recommend instead that the Government should guarantee to the Council annually of sufficient funds to the extent recommended by the Tariff Board, to enable the Council to carry out all schemes of research and development which have been and may be finally approved including the establishment of the proposed Sugar Research Institute."

Sir, two years have passed, and nothing has been done for the establishment of the Sugar Research Institute. The Honourable the Finance Member gave us a long list of work that has been done by the Government in this behalf; but, Sir, I am not satisfied by the work that has been done by the Government after the Protection Bill has been passed. Now that the Government are getting such a large amount of money out of the sugar industry, I must say that they will carry out the promises that they make on the floor of the House, because, Sir, if research in these directions is successful, it will enable the industry to bear the burden of the excise in a much better way.

Mr. N. R. Gunjal (Bombay Central Division: Non-Muhammadian Rural): Sir,* I strongly oppose the third reading of the Sugar (Excise Duty) Bill. It is really a wonder that Government should have ignored the Select Committee's opinion. It is unbecoming to the Government that, taking advantage of the feebleness of the Opposition, they should have, in indecent haste, got passed the amendment imposing a duty of Rs. 1-5-0 on sugar. I cannot too strongly condemn this action of the Government. The factories in the country will be crushed under the burden of this heavy duty. It is a matter for regret that no non-official amendment could be passed. The measure is sure to cause displeasure against Government. I, therefore, oppose the Bill.

Mr. S. G. Jog: Sir, at this long and weary hour of the day, I must realise my responsibility of making a very short speech. I am generally in the habit of making short, and, at the same time, if the House would agree, sweet speeches.

The Bill before the House is one which relates to the excise duty on sugar and the House is fully aware that sweetness has got much to do with sugar and here we find that not only sweetness has got much to do with sugar, but that sweetness has got much to do with Sir George Schuster. Sir, although this is a sweet measure connected with a sweet article, I am sorry that I must make my speech a bit bitter one. Sir, what is the state of this sugar industry which was brought into existence only two or three years ago? It is a plant that came into existence only two or three years ago, and let us see the attitude of the Honourable the Finance Member now and then. These two or three years were not a sufficient time for the

*Translation of the speech delivered in the vernacular.

[Mr. S. G. Jog.]

industry to grow and develop. My Honourable friend, the Finance Member, however, says that, during these two or three years, this industry has made enormous profits, but, as a businessman and as a man who knows many other businesses, may I appeal to him and may I ask him whether that is the proper way of examining a position and looking at this industry? May I ask whether a period of two or three years is sufficient time for trial of the industry? If you put any money or invest any money in business, I think you have to take the average of ten years. It is just possible that some of the people who embarked on this industry may have made some profits in the first year or in the second year, but what about the third year and what about the succeeding years that are yet to come? Sometimes you may gain and sometimes you make lose, and, after ten years, you have got to take the average of profit and loss. I submit it is too premature to say that this industry will go on making these huge profits, even if it is conceded that it has been making these huge profits as alleged by the Government. I must say that this industry has not been given sufficient time and sufficient trial for its growth. Let me appeal to my Honourable friend that there is such a thing as infanticide. If I may say so, and I am sorry to say so, the Honourable the Finance Member can be charged with infanticide of this infant industry which he has brought into existence and he now wants to throttle this infant and drive it out of existence. Probably, for revenue purposes, the Honourable the Finance Member might require more money. He might have done everything else by way of cutting down the expenses, but I do not think he is justified, if he wants money, to run after this infant industry which is still in the process of growth and development.

Sir, as I have said, I do not want to make a long speech. I belong to a Province where there is no sugar industry in existence at present, nor is there any chance of a development of the sugar industry there. So the only interest I have to guard is the interest of the consumer, and, in that capacity, I think I am in a position to take a more detached and disinterested view of the whole affair. Fortunately or unfortunately, I had no occasion to take any part in the Select Committee meetings, because all those people who have factories of their own wanted to get into the Select Committee and, as observed by my Honourable friend, Diwan Bahadur Mudaliar, these people would have been more useful and would have probably served their cause better by going as witnesses and allowing other people to go who have been able to take a more critical view and a more disinterested view of the whole affair. Sir, I must say that Government have brought forward this Bill in a hurry. After all, the Finance Member wanted some money and Government, instead of accepting the Select Committee Report as they ought to have done, have really upset even the little that it contained. We on this side of the House always look on the Reports of Select Committees with some respect and reverence, but in this measure we find that the Select Committee Report has been flouted and Government are having their own way. This will serve as an eye-opener to those who are very anxious to thrust themselves on the Select Committees. Sir, as I said, this sugar duty will probably serve as a memory, specially on the eve of the departure of the Finance Member. Every one of us, when we put a spoon of sugar and when we take a sip of tea either in the morning or in the afternoon, will be reminded of this sugar duty. Sir, according to our Hindu

ideas we are supposed to make an offering of sugar to God. There is a *mantra* which says:

"Sharkara gud khadyani dadhi ksheer ghritanicha", etc.

"Sharkarâ" means sugar. Sugar is a thing which we offer to God first. Probably God also had a great liking for sugar, but probably He will now have to make a discrimination and remember that sugar is a thing on which a duty has been levied. So, whenever we offer sugar to God, that will be the occasion for us to remember this excise duty. As I have said before, I think for various considerations that Government should not have brought forward this Bill, and I have no alternative but to oppose it.

Dr. Ziauddin Ahmad: Sir, there are two points which I wanted to develop at greater length, but, on account of the shortness of time, I will finish in five minutes and leave them to be developed at some future date at the next Session.

The first thing that I should like to point out is that we have been hearing a great deal about this present Budget being an anti-Madras Budget, a pro-Bengal Budget, and so on. I have been watching with patience all the time and never advanced the claims of the United Provinces. But I felt all the time that that Province was paying a penalty for its good administration, for its restrictions and self-restraint. Therefore, now the time has come when half the excise duty collected from any Province ought to be given to that Province alone. When my Honourable friend, Mr. Patil, was making his speech, I thought that he would have been right if he had said that the entire excise duty collected from any Province ought to be given to that Province. In that case, I would have very strongly supported him. I consider that whenever we take up these provincial questions, the United Provinces, which is the heart of India, ought not to be neglected and the claims of that Province should be considered. And we should not pay the penalty simply on account of the fact that we have been exercising great restraint in our expenditure. We are cutting down all such important expenditure as the other Provinces are now indulging in. But this I must point out that while we consider the claims of various Provinces, the United Provinces should not be ignored. I prepared my case with great labour by going through the United Provinces Budgets of the last five or six years, but on account of want of time, I do not like to dilate upon that now, and I shall wait for some future opportunity.

The second thing that I should like to point out is that in the discussion of the Bill, as I said, we may have a difference of opinion with Government whether this particular commodity is a proper commodity for the imposition of a duty. But once it is decided that the Finance Member should collect for revenue purposes a duty from this particular article, then the whole procedure, that has been adopted in this case, is perfectly honest, straightforward, and there is no flaw anywhere. No dust was thrown in our eyes. My Honourable friend, the Diwan Bahadur, mentioned the unscientific method of doing things. I did not hear the whole speech, and I was not present in the Committee. But I have been in other Committees, and, from my experience of these Committees, I can say that the methods that were adopted in discussion were anything but scientific, as I have repeatedly pointed out. Perhaps in this Committee they might have been perfectly scientific on account of the present persons

[Dr. Ziauddin Ahmad:]

who understood what they said and could watch the proceedings. This much I can say that we have given a protection which we promised and we never withdrew an inch from the promise. What we have done here is that, we have rectified the mistake which was committed on account of the surcharge, and I think the industry should not be afraid. Because, after all, as far as I am concerned, and I think I can speak on behalf of many Non-Official Members, we will entirely support and stand by the promises given to this particular industry. We want really that the industry should progress and we want that the capitalists should derive a profit. But certainly not a profit in astronomical figures. Seven and half per cent or ten per cent in these days of depression and financial stringency is sufficient. So I think that whatever Government have done, they ought to watch the effects of this particular measure, and I am sure that this will not handicap the progress of the sugar industry which we have started. Of course, I agree, and probably my friends, the manufacturers, will admit that they have not themselves been fair to the sugar-cane growers. They may say whatever they please here on the floor of this House. Had they been fair to the sugar-cane producers, the sympathies of most of us would have been with them. But as they have been looking to their own personal interests, certainly they cannot expect persons who really represent the interests of the agriculturists and the consumers and of the public to support them. With these words, I beg to support the motion.

Mr. C. S. Ranga Iyer: Sir, I hope this Bill will not pronounce a sentence of death on *khandsari*. The factory competition is so fearful that Government should have altogether left out *khandsari* which is the only sugar that many orthodox Hindu families take. The excise duty is a tax on orthodoxy, so far as *khandsari* goes, on religious sentiments (*Dr. Ziauddin Ahmad*: "And so with us"), and, as *Dr. Ziauddin Ahmad* says, many Muslim families share that sentiment. But I know that this sentiment is admitted even by the Sugar Committee, and I read out a passage before from their Report. I hope the Government of India will take the earliest opportunity to remove the excise duty on *khandsari*. Companies and factories may flourish or may fade, but the old *khandsari* of Rohilkund fame, when once destroyed, can never be supplied.

Seth Haji Abdoolo Haroon: Sir, I have much pleasure in supporting the two points mentioned by my friend, Lala Hari Raj Swarup. We have already passed the Bill, and it is no use saying anything at present. In my opinion, we will get Rs. 1-7-0 less protection now, according to the Report of the Tariff Board recommendation, as the circumstances have now changed. Government have now levied this duty, but I would request the Government to appoint a Committee or any officer of their own to make further inquiries into this matter. I have placed before the House a few figures, which the Honourable the Finance Member has not accepted, and so I would request him, since the Bill has been passed, to go through those figures and satisfy yourself whether my contention is right or not. According to clause 4 of the Protection Bill, which we passed in 1932, it says this:

"If the Governor General in Council is satisfied, after such inquiry as he thinks fit, that sugar not manufactured in India is being imported into British India at such

a price as is likely to render insufficient the benefits intended to be conferred upon the sugar industry by the duties imposed by section 2, he may, by notification in the Gazette of India, increase such duty to such an extent as he himself thinks fit."

Sir, this is a very clear clause. Now, the Finance Member always relies upon the Tariff Act, and in that Act it is stated that Government may impose eight annas duty, but when we passed the Bill finally, we have clearly given power to Government to impose as much duty as they like. Therefore, I would ask the Government to go into the matter thoroughly, and if they find that the protection of Rs. 7-4-0 which is given by this measure is not sufficient, then they can increase the import duty or decrease the excise duty. This is a very reasonable request, and I hope Government will consider it seriously.

Mr. B. Das: Sir, the question may now be put.

The Honourable Sir George Schuster: Sir, I feel sure that everybody will be anxious to get away as soon as possible. I will, therefore, only deal with certain specific points that have been made.

Replying to my friend, Seth Abdoola Haroon, who has just spoken, I should like to say this on behalf of the Government. Government will most certainly watch the situation with the greatest care. They will at all times be prepared to receive representations from the sugar industry, because, as I have always made it clear, our intention is to treat the industry fairly, and if we had been convinced that this measure was going to leave the industry in an unfair position, as I said at the outset, we should never have proceeded with it. Everything depends on the price of sugar in India. I quite admit that. All our calculations as to whether the industry can bear this excise duty or not depends on certain assumptions as to the price of sugar in India, and that is a matter, as I say, we will carefully watch, while I think, on behalf of my colleagues in the Industry and Labour Department and in the Commerce Department, I can say that Government will be only too anxious to keep in touch with the industry and watch how this measure works.

Then, Sir, another point was made by my friend, Lala Hari Raj Swarup, about the Government's obligation to undertake proper work in the direction of research, and he said that Government had not fulfilled their obligations in that matter. I do not know whether my friend was here when I spoke in making the motion for consideration of the Bill as reported, but after giving an account of what Government had already done, I stated quite clearly that Government recognised the need for setting up an Imperial Sugar Research Institute, and that they were now already in direct touch with the United Provinces Government as regards a plan for developing such an institute in the buildings of the Harcourt Butler Institute in Cawnpore. Government are proceeding with the study of that matter, and I hope that my friend will be satisfied with the result.

My friend, Mr. Ranga Iyer, again spoke on behalf of his beloved *khandasari* industry. Sir, I think I might put it to my friend that if there is any portion of the sugar industry that has come well out of these proceedings, it is the *khandasari* industry. So far as the purely agricultural part of it is concerned, the cottage industry, it remains untouched. So far as the real factory part of the industry is concerned, it has emerged from these discussions in a very much stronger position than it was before,

[Sir George Schuster.]

for hitherto it has had to compete on equal terms with the modern large scale factories. Now, it has been given a benefit by slightly more than one-half of the excise duty, and my only fear is that perhaps the factory *khandsari* industry is being put in an unduly favourable position. I think my friend can go back to his constituents and say that, so far as concerns those on the number of whose votes he chiefly counts, they have done very well as a result of this measure, and that he has earned their support at the next election, whenever that may come.

Lastly, Sir, I would like, before finally closing, to say one more word on this question of statistics and my revenue estimates. I have now found the source of information from which my friend, Diwan Bahadur Mudaliar, was quoting, and I find that it is a document prepared "for the use of the Members of the Sugar Conference only" in June, 1933. I think I am correct in that. It deals entirely with estimates of production and so on, and, therefore, the figures cannot be quoted as actually realised figures. I find that the estimate given for the annual production of Indian made sugar for 1933-34 was 586,000 tons. But I would remind my Honourable friend that that refers to the sugar season of 1933-34 which does not exactly correspond with the financial year 1933-34 and which still less corresponds to it if the period for the consumption of that sugar is taken into account. I find that we ourselves, in preparing our estimates, had considered these figures and it was explained to us that for all practical purposes you have got to push these figures forward by one year,—in fact that production in the sugar season 1933-34 really means consumption in the financial year 1934-35. And, to illustrate my point, I would remind my Honourable friend that on these figures it was estimated that the imports in 1933-34 would be only 54,000 tons. Obviously that is an absurd figure, and it is explained by the fact that 1933-34 really means for the purpose of consumption the succeeding year. I do not know what figures my Honourable friend gave, but the imports for 1933-34 are 264,000 tons, and my Honourable friend quoted a much larger figure. I would also remind him that in all these estimates on which he relies the total quantity of sugar consumed in India is estimated at 940,000 tons, including *khandsari* sugar. I took a higher figure than that. I took a million tons for the total consumption.

Diwan Bahadur A. Ramaswami Mudaliar: May I just inform my Honourable friend that the total quantity of foreign sugar imported into this country in 1928-29, excluding *khandsari* sugar, of course, was 925,000 tons, and in 1929-30, 941,000 tons, 1930-31, 984,000 tons. So that, till the duty was levied at Rs. 6-4-0, a total quantity of over 900,000 tons certainly was being imported into this country from foreign countries.

The Honourable Sir George Schuster: If my Honourable friend had allowed me to continue my remarks, I would have given the House the same figures. We now are estimating a total consumption of one million tons. If one goes back over a period of ten years, from 1923-24 one finds that the consumption of sugar in India has varied very remarkably. In 1923-24, the total consumption including home production was 678,000 tons. It rose to a peak figure of 1,324,000 tons in 1929-30, that is to say, rather more than a million tons, quite apart from *khandsari* sugar, but since then the figure has been going down very steeply with the decline

in purchasing power. For 1931-32, the total was 982,000 tons, 1932-33 it was 928,000 tons. These, as a matter of fact, are figures with which I am very familiar, because I like to have the revenue figures checked by figures of this kind, and I definitely felt that I was taking an optimistic basis in taking the total consumption of one million tons for 1934-35, because we have been for the last few years considerably below that figure. I am afraid that I am still of the view that our estimates do not err on the side of caution. I wish very much that my Honourable friend had been able to persuade me that they did. I should leave this country in a very much happier condition if I thought that our estimates were too cautious and the results were likely to be very much better than I anticipated.

In conclusion, I must thank Honourable Members, and particularly those whose interests have been most severely affected by this measure, for the moderation with which they have spoken in this third reading debate. I can only again assure them that the Government of India have the interests of the sugar industry at heart and that if there is any way in which the Government of India can help them to maintain their position, that way will be followed, especially in the way of research and in watching their other interests. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 19th April, 1934.

LEGISLATIVE ASSEMBLY.

Thursday, 19th April, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

MEMBER SWORN.

Mr. Mohammad Ikramullah, M.L.A. (Government of India: Nominated Official).

Mr. B. Sitaramaraju (Ganjan *cum* Vizagapatam: Non-Muhamadan Rural). This is the first time a father and son are Members of the Assembly.

Mr. President (The Honourable Sir Shanmukham Chetty): We hope that the father will behave better now. (Laughter.)

ELECTION OF MEMBERS TO THE COMMITTEE ON THE OTTAWA TRADE AGREEMENT.

Mr. President (The Honourable Sir Shanmukham Chetty): I have to inform the Assembly that the following Members have been elected to the Committee on the Ottawa Trade Agreement, namely:

- (1) Sir Abdur. Rahim,
- (2) Mr. K. C. Neogy,
- (3) Mr. H. P. Mody,
- (4) Mr. F. E. James,
- (5) The Honourable Sir Joseph Bhore,
- (6) Bhai Parma Nand,
- (7) Mr. B. Sitaramaraju,
- (8) Seth Haji Abdoola Haroon,
- (9) Dr. F. X. D'Souza,
- (10) Lala Rameshwar Prasad Bagla,
- (11) Rao Bahadur Chaudhri Lal Chand, and
- (12) The Honourable Sir Frank Noyce.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I present the Report of the Committee on Petitions on certain petitions relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples

THE HINDU MARRIAGES DISSOLUTION BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I present the Report of the Committee on Petitions on certain petitions relating to the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion.

THE ABOLITION OF CAPITAL PUNISHMENT BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I present the Report of the Committee on Petitions on certain petitions relating to the Bill to abolish the punishment of death for offences under the Indian Penal Code.

THE SUGAR-CANE BILL.

Mr. G. S. Bajpal (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill to regulate the price of sugar cane intended for use in sugar factories be taken into consideration."

The House has already even during this Session given signal proof of its solicitude and sympathy for the agriculturist. I hope, therefore, that the Bill which I am now asking the House to consider will have a swift and smooth passage provided that I can show that it is logical, that it is timely and that it is likely to be beneficial to the agriculturist.

Now, Sir, first, as to whether the Bill is logical. The Tariff Board, in their report on the sugar industry, said that the strongest aspect of the case for protection for the sugar industry is that based upon the national importance of promoting the cultivation of sugar-cane. It follows that the House will agree that any measure, which is designed to secure to the grower of sugar-cane a fair proportion of the benefit of protection, is a logical measure and one to which the assent of the House should be readily forthcoming.

Now, Sir, as regards its timeliness. The Tariff Board, in their calculations of costs and prices, have allowed a price of eight annas a maund for sugar-cane. In July last, we had a conference of provincial ministers and other representatives in Simla, in order to consider to what extent the sugar-cane grower had received the benefit of the tariff and, on that occasion the representative of the Government of the United Provinces, which has the largest number of factories and also the largest area under sugar-cane, definitely expressed the view that, at any rate, certain factories were not giving to the grower of sugar-cane a fair price. He mentioned four to five annas per maund as the average price which was being realised, I think he was referring to the 1932-33 season, in Gorakhpur district and, as regards the western districts, he had definite information that, in a number of factories, the price paid was as low as 3 to 3½ annas. Other representatives of agricultural interests also expressed doubts as to whether the sugar cane grower was on the whole having a fair price paid to him for his sugar-cane. Therefore, Sir, even then the Government of India had reason to think there might be a case for taking action in order to safeguard the cane growers' interest. The matter was discussed in the conference. Unfortunately there was no agreement amongst those represented as to whether the Central Government should undertake legislation on the subject, and the Government of India, therefore, had no option but to leave the initiative to each Province to take such action as they might consider desirable in order to meet local conditions. Since then, the situation has altered in two respects; first, in Bihar and Orissa, there has been a conference on this subject and, when I visited the Province in January, the Local Government admitted that there was dissatisfaction at the existing state of affairs and that, therefore, action might, indeed, should be taken in order to safeguard the interests of the cultivator. And, secondly, the Bill to impose an excise duty on sugar, which was passed yesterday, makes it doubly necessary to ensure that unfair attempts are not made to pass on to the grower of sugar-cane a share of the excise duty. I think, Sir, these considerations, which I have placed before this House, justify me in making the claim that the measure which I have now placed before the House is timely.

My third point was that it is likely to be beneficial to the sugar-cane grower. What, Sir, are the main provisions contained in this Bill. We want the House to recognise that Government may regulate the relations between the cane grower and the manufacturer of sugar by fixing a fair price for sugar-cane. Honourable Members may ask why it is that we are not making this legislation immediately applicable to the whole of British India. The answer to that is, that conditions vary from Province to Province and uniform action is not desirable. I shall mention one instance to illustrate that. In Bombay, for instance, the position is that the factories are based on the principle of growing their own cane. Now, there it would be of little more than of academic interest to prescribe a minimum price for cane. Secondly, we feel that the Central Government have not either the machinery or administration or investigation to be able to impose, shall we say, a set formula on British India as a whole. It is only the Local Governments that have the requisite machinery, and I think it is right that we should trust them to apply that machinery when circumstances require. The main provisions in the Bill are that a Local Government shall notify a controlled area, within which a minimum price or prices will be paid to the grower of cane and may also require that cane, which

[Mr. G. S. Bajpai.]

factories want, shall be purchased either directly from the cane grower or from recognised associations of cane growers or other licensed agents. The reason why we have provided this plan of controlled areas is that, it is not possible to insist upon a uniform price, even for one Province as a whole. Conditions will vary from district to district. Not only that, but it will probably be necessary to have different rates of prices for canes with different sugar contents and also at different seasons in the year. That is the reason why we think that we should provide for diversity of arrangement in order to meet local conditions. As regards the second provision, namely, that cane may be purchased only from the cane grower or recognized associations of cane growers or licensing agents, the object is to ensure that the minimum price which is fixed reaches the cane grower and is not, as it were, absorbed by an intermediary. Those, Sir, broadly stated, are the provisions of this Bill.

Honourable Members might ask, "you are making it permissive, you are leaving it to the initiative of Local Governments, what guarantee is there that the Local Governments will apply this legislation?" I think there are two substantial sanctions upon which we can rely for that consummation to be achieved. The first is the pressure of public opinion. I think it may be taken for granted that agricultural interests, which are predominantly represented in the Local Councils, will see to it that machinery of this kind, if its application is necessary, is applied. The second is the one contained in the announcement made by the Honourable the Finance Member, *viz.*, that a fraction of the receipt from the excise duty, that is to say, subject to a maximum of one anna of the total yield out of every rupee from the excise duty, may be given to Provinces in order to enable them to organize the machinery and generally to pay for the cost of administration. That is our position and we expect that the Bill which we have now placed before the House, if it is passed, will be applied by the Provinces.

There is a further point I would like to comment upon and that is the effect of this upon industries. I should like to make it absolutely clear that we do not wish in any way to reflect upon the conduct of the industry as a whole. In fact we recognize that, at the last Conference, more than one provincial representative paid a tribute to the better run factories and admitted that they were paying a fair price for their cane. Now, what I say is that, so far as that class of factories is concerned, there is no reason why they should object to a statutory obligation being laid upon them to pay a fair price; and as regards these factories which do not pay a fair price, I think I am entitled to claim that, they have no claim whatsoever to the sympathy of any section of this House. It is up to us to see that the defaulters from the principles of fair play do recognize and act upon the principles of fair play. I do not think that at this stage it is necessary for me to say anything more. I do hope this Bill will receive, as I have said, the sympathetic support of every section of the House and be passed quickly. Sir, I move. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill to regulate the price of sugar-cane intended for use in sugar factories be taken into consideration."

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): Sir, it is a matter of great gratification to me to find that at last the Government of India have taken the first step towards ameliorating the condition of some of the agriculturists. I hope it will not be confined to the agriculturist who grows cane, but that similar steps will be taken in regard to all agriculturists who grow other crops and that they will have some such boon at the hands of the Government of India. (Hear hear.) (*An Honourable Member*: "How?") There are many ways in which they may do it. In this particular case, I must confine to the sugar-cane growers. I come from that part of Bihar which has a larger area under cane cultivation. It is North Bihar, which is said to be the most important part in Bihar growing cane, which gives us white sugar. Now, since 1930, when the tariff on sugar was raised, there has grown a hope in the minds of the agriculturist that this was going to be a money crop for them, and would serve a sort of compensation for the great depression that they were suffering from, but their hope has been frustrated. I have myself found that hundreds and hundreds of tenants had been crying over their cane being either wasted in the fields or dried up in the carts at the factory weigh-bridges.

We have been trying to ventilate their grievances through the Press and through the local Legislative Councils. I think no less than a dozen representations must have been made to the Local Government for looking into that state of things and finding some remedy for their deplorable condition, but, Sir, it so happened that, when the Government of India decided to call a Sugar Conference in Simla last July, representatives of Bihar Government, who attended that conference, took a very adamant attitude. It appears that their attitude was so obstinate that the proceedings of the Sugar Conference held in Simla last July recorded their findings "that the Government of Bihar and Orissa consider that legislation would be impracticable and against the interests both of the industry and of the cane-growers, although other Provinces, chiefly the United Provinces Government, held just the opposite view", and not only in the Conference they displayed this attitude, but even in the Province itself all representations, which were sent on behalf of tenants to inform them of their deplorable condition, were thrown into the waste-paper basket. Last year, I think, hundreds of conferences were held in that part of the country, where their grievances were ventilated, and very strong language was used in all those meetings for the purpose of drawing the attention of the Local Government. When the Local Council met, a very strong Resolution was passed at the instance of Babu Rajandhari Singh, declaring the callousness of the Local Government in that matter and demanding the fixation of minimum price for cane, and that steps should be immediately taken in that direction. But even that did not produce the desired result. Although the Resolution was passed by the Council, the Local Government did not think it worth while to do anything very soon. It was late in the year when they thought of calling a Sugar Conference at Patna. That Conference was held in the first week of January this year, I believe, and enthusiastic members representing the growers attended the Conference, and made it clear to the Government that there was immediate necessity for safeguarding the interests of the agriculturist.

But the result is this that, although the proceedings were finished, I think, on the 7th of January, no report of the proceedings is yet forthcoming for the public to know what happened at the meeting. It appears

[Maulvi Muhammad Shafee Daoodi.]

that at that meeting the attitude, that was taken by the representatives of the growers, is particularly mentioned in this brief analysis of replies received in answer to the questionnaire issued by the Bihar and Orissa Sugar Conference. It is a note prepared by the Government of Bihar and Orissa. It says:

"The consensus of opinion is that the cane growers experience difficulty in the disposal of their cane crop due to glut resulting from over-production on the one hand and unfair dealing on the other."

The percentages of available cane taken by the mills are reported to be 40, 50, 60, 70, 75, 85, 90 and even 98.

Now, their demand, at that moment, was that a legislation should be started all at once in the Local Council, but what to say of legislation, we have not got even the proceedings of the Conference up to the present moment. His Excellency the Governor of the Province showed some solicitude for the sugar-cane growers no doubt, and his attitude was such as gave some satisfaction to the people; otherwise, I think, there would have been a great agrarian revolt at the time. I think it was prevented by those who were moderately minded, otherwise the Government must have experienced an agrarian revolt in 1933 when the cane growers found themselves in a very deplorable plight. Now, I am referring to all these matters in order to show the attitude that Bihar Government has been taking in this matter. I am sure, His Excellency the Governor of Bihar has got a soft corner for the cane growers, but the machinery, which he has got to employ in that Province, seems to be so lifeless that, in spite of the fact that the Bill is going to be passed here today, it will take another year or two for the purpose of being enforced in Bihar. I am afraid that is what will happen and it is for that reason that I am trying to impress upon this House to devise some means by which the Government of Bihar and Orissa may be goaded to act promptly.

As to the feasibility of the scheme, I think there is no doubt in the minds of the growers themselves. This question was discussed in several Conferences at great length, and people have prepared themselves for acting up to the provisions of the Bill which is now under discussion. I have been actively connected with those conferences and can say that there will be no difficulty in adjusting the interests of all concerned in that part of the country, so that the provisions contained in the Bill may be brought to fruition.

I would urge upon the Government of India to see that a Province, which does not take it up at once, may be taken to task for not doing its duty towards the agriculturists. Sir, it is not only the duty of the Province, but also of the Government of India, to see that the agriculturists have got some satisfaction in their miserable condition; otherwise, I am afraid,—I am sounding a warning in this House,—the agriculturists are so exasperated on this question in that part of the country from which I come—Tirhut Division—that they will certainly take to some method which will give us more trouble in the future. So, if the Local Government does not see its way to do anything, the Government of India will try to make them do what they intend doing for the sake of the agriculturists. With these words, I heartily support the measure, and congratulate all those officials who have been connected with this business, and who have been able to bring forward a Bill in this form which, I hope, will be passed after some improvement.

Sir Leslie Hudson (Bombay: European): Sir, I rise to support this motion. (Applause.) Speaking on behalf of my Group, I see eye to eye to a great extent in this Bill along with my Honourable friends on the other side of the House, which is to ensure that the cane grower gets a fair price for his crop. But I also realise that the Bill itself, and the machinery for carrying it out, bristles with difficulties when it comes to putting in force those provisions which are intended to implement the intentions of the Bill. Just to give a few examples, I would point out that a large quantity of cane is purchased through contractors and, whereas there will be no difficulty in fixing the price with these contractors, there would probably be much greater difficulty in fixing the price between that contractor and the ryot from whom he originally buys the cane. Then, there is the difficulty in finding a basis of quality, and of finding proper definitions for best cane, best fresh cane, or dry cane. It will also be difficult to provide definitions for those and likewise to see that these definitions are properly observed. Then, there is the apprehension of the danger of different price-levels being fixed by different Governments having contiguous sugar-growing areas. There is the question of distance of the fields, where the cane is grown, from the factory, the month of cutting, and so on. I understand that the sucrose content is found to vary in quantity in accordance with the months when the cane is cut. These are all factors which will take a little time in settling the fair average price to be given to the cane grower. However, difficulties are made, as we all know, to be overcome. It will be the duty of the Advisory Committees which are being formed by Provincial Governments to arrive at a solution of these difficulties.

It is realised that the Bill is permissive throughout. My Honourable friend, Maulvi Shafee Daoodi, has just said that some Governments may prove somewhat slow in carrying out the intentions which this Bill covers. But the Bill is only permissive. There is no compulsion on any Province to bring in legislation, if there are any particular reasons why it should not do so. But I take it that it is for the interested parties concerned to bring such pressure to bear on the Provincial Governments as will make them fall into line. One of the main objects of the Bill is to secure uniformity of practice in those Provinces who do take the powers which the Bill gives, that is to say, uniformity in framing rules and regulations which are to govern the purchase price of the cane, and which are to ensure that the grower gets a fair deal. It is surely going to be beneficial that there should be this uniformity, for it would be very awkward if there were different rules and regulations in two adjoining Provinces, or even in two adjoining areas.

A question I should like to ask my Honourable friend, the Mover, is the position of the Indian States. Perhaps, he would be good enough to inform the House, whether steps will be taken to bring pressure to bear on the Indian States to bring in similar machinery, and it would be obviously illogical if that were not done.

There have been objections raised by certain bodies, Sugar Associations and Chambers of Commerce, who have the fear that the benefits intended by the Bill will go not to the cultivator, but to the middleman. They have also expressed the fear that the price-fixing difficulties will be found to be insurmountable, but that, however, is a matter which we shall have to see. These are matters which these bodies will have to thrash out with the Advisory Committees in the various Provinces.

[Sir Leslie Hudson.]

The Bill is obviously complementary to the Sugar Excise Bill and as the Honourable the Mover has pointed out, it is intended to convey to the cultivator some at least of the benefits which the high protective duty has given to the industry. As my Honourable friend, Maulvi Shafee Daoodi, has said, this is something quite new in the way of helping the agriculturist, and the principle of the Bill is certainly of a very novel nature, and may lead to very far-reaching results. Let us hope it will do so and that those results will be for the benefit of the agriculturists. (Hear, hear.) It is, however, all the more necessary that the interested parties in the Provinces should give a very, very thorough investigation to the Rules and to the practical application of the measure which the Provincial Governments may evolve. It is also desirable that the Provinces, in which the manufacture of white sugar is carried on, should simultaneously enter on this legislation on agreed lines and subject to agreed rules.

There are a number of amendments to the Bill, which my Honourable friends and I believe will improve the Bill, and we trust that Government will incline a friendly ear to our suggestions. They are being put forward with a desire to make the Bill more workable. They are designed to ensure that the Governor General-in-Council shall have power to deal in revision with any glaring cases of inequality between Province and Province, and between area and area.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I congratulate my Honourable friend for introducing a measure, which will really help the agriculturist to a very great extent and, in this Session at least, I find this is the only measure for which I can congratulate the Government.

Mr. President (The Honourable Sir Shanmukham Chetty): Does the Honourable Member want to move his amendment? He has one in his name.

Mr. M. Maswood Ahmad: I have already informed the Assembly Office that I do not intend moving my amendment. May I continue my speech on the Bill?

Mr. President (The Honourable Sir Shanmukham Chetty): Yes.

Mr. M. Maswood Ahmad: Sir, the Government of Bihar has been blamed for certain action, that they were slow, and so on. As far as I know, there is no fault with the Bihar Government in any way. The Government of Bihar, on the other hand, are taking very keen interest specially for sugar-cane, and they have done all in their power. The late Education Minister took great interest in these matters, and, about the present Education Minister, I can safely say that the whole of Bihar has complete confidence in him.

Maulvi Muhammad Shafee Daoodi: Nobody suggested anything against the present Education Minister.

Mr. M. Maswood Ahmad: I want to make it clear that the whole of Bihar has complete confidence in the present Education Minister. If I express my confidence in him, why my friend is so much upset I cannot understand.

Maulvi Muhammad Shafee Daoodi: I have not said a word against him. He does not come in the picture so far.

Mr. M. Maswood Ahmad: I can mention my own feelings about him and, if my Honourable friend also wants to change his feelings and says that he has got confidence in him, then I think he is supporting me in my remarks, that the whole of Bihar has confidence in the present Education Minister. I did not say that my Honourable friend, Maulvi Shafee Daoodi, has not got confidence in the Education Minister, I said only this much, that the whole of Bihar has confidence in him, and there can be no two opinions on this matter. Hindus and Muhammadans love him and he loves them. I, therefore, submit that there is no blame to be attached to the Bihar Government and, according to my information, the Government have been doing all in their power, but they are handicapped in many ways, chiefly owing to financial stringency. In this connection, I submit, Sir, that the Provincial Government and, in indirect way, the Minister in charge of Agriculture should not be blamed, and that these questions should be left to Provincial Councils, and we should not make any observation in this way. There are the Local Councils which can judge how far the Minister in charge or the Local Government have done the thing, and how far they have failed in their duty.

Sir, I am sorry to bring it to the notice of the House that my Honourable friend, Mr. Bajpai, in drafting the Bill and, when the Government came to this conclusion to introduce the Bill, they were not in possession of the proceedings of the Sugar Conference which was held in Bihar. It was admitted yesterday that the Government have not seen the copy of the proceedings up till now, and I am sorry for that.

Maulvi Muhammad Shafee Daoodi: That was one of my complaints.

Mr. G. S. Bajpai: On a point of information, Sir. I may tell my Honourable friend that when I was in Patna in January last, I specifically asked the Local Government to let us have a copy of the proceedings of this Conference as soon as possible. I explained, in the course of my answer to a question yesterday, that these proceedings have not been forthcoming, because the attention of the Government of Bihar has been absorbed by other more pressing questions.

Mr. M. Maswood Ahmad: In this Bill, you will find that certain powers have been given to the Local Governments, and it is necessary to consider that the power of making rules and regulations by the different Local Governments should be uniformly exercised by the different Provinces, and there must be some uniformity between Province and Province and area and area, and, for that reason, the Central Government must have power to control them. I also wish to suggest that the prices, which will be fixed by Local Governments, should be fair, and I further submit that not only a minimum price should be fixed, but that prices should be fair too. I do not think I will get another chance to speak my views on this

[Mr. M. Maswood Ahmad.]

point and, therefore, I want to inform the House now, that a fair price nowadays cannot be in any way less than eight annas a maund. This is my personal knowledge. I have consulted many friends and owners of factories and they all admit they can pay eight annas per maund.

Another point that I want to suggest is this. The Government have imposed a duty on *khandsari* sugar as well. I do not find in this Bill any mention about the minimum price for *rab* and *gur*. I inform the Government that the agriculturists not only sell their sugar-cane, but sometimes they also sell *rab* and *gur* from which sugar is made. I think there must be some provision in this Bill for fixing the minimum price for *rab* and *gur* as well. This is another defect in the Bill, because when Government are taxing the *khandsari* sugar as well, they must fix a minimum price for *rab* and *gur*, so that the agriculturists may be fairly treated at the hands of *khandsari* makers.

Then, the last point I will mention in this connection is that, whenever they consider the question of fixing a minimum price for sugar-cane, they must calculate it on the same basis as they have calculated in the Select Committee for fixing the fair selling price and the excise duty. On the same basis, they must calculate what should be the price of the sugar-cane. I do not object to factory owners getting ten per cent profit, but, after giving from that profit, a fair price of sugar and *rab* and *gur* should be fixed by Government for the agriculturists.

These, Sir, are the main points that I wanted to mention at this stage.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, I give my whole-hearted support to the motion moved by my Honourable friend, Mr. Baipai. But, at the same time, I must say that I have great doubts as to the successful working of this measure. There are insuperable difficulties in the way, but I hope in the interest of agriculture the difficulties will be surmounted and Government will show very good results.

Now, the sugar industry is a protected industry, and Government have now begun to milch it by levying an excise duty. So, this new industry, which is taking root in this country, is now attacked from both sides. Its profits are taken away in the shape of excise, and also it is the intention of Government that the factory owner should be forced to pay a higher rate for his cane than he did up to this time. There is no objection, Sir, to compel him to pay a fair price for cane, but, at the same time, it must be seen that the industry is not killed. Perhaps the Honourable the Finance Member would welcome it if the industry is killed, and the whole of sugar is imported from outside, as that will give him a very large revenue in the shape of import duties. There was a time when one million tons of sugar were imported, and a very large revenue came to the coffers of the Government of India. Now that quantity has been materially reduced, and in order to provide for more funds an excise duty has been levied. Rules will be made under this Act to regulate the fixation of prices and the working of the Act. It is well known, Sir, that probably the factory owners will try their best to deprive the actual cultivator of his dues by importing middlemen for the purchase of the cane. The middlemen will get the price fixed under the Act, but it will be very difficult to see that the actual cultivator gets it.

I am making a suggestion that as Government are going to set apart a sum of money for propaganda work in the starting of co-operative cane selling societies, it should be made compulsory in one of the rules that factory owners should deal directly with these co-operative societies; and in this way the agriculturists or the cultivators will get a fair price to themselves without the intervention of any intermediaries. In the same way I would suggest that the same propaganda officer should try to establish co-operative *khandsari* concerns in the area where the cane is grown on a very large scale. Although the Honourable the Finance Member has condemned the *khandsari* process, as being very inefficient and a process involving waste, I think the *khandsari* is a real benefactor to the cultivator, because the factory cannot reach each and every nook and corner where sugar-cane is cultivated. It is the *khandsari* process that will be available to most of the cane growers. If co-operative sugar making concerns on a small basis are started in almost every area, then the cultivator is likely to get better prices for his sugar-cane, and providing thus a very severe competition with the factory owner, and then the factory owner will have also to pay an adequate price for the cane that he uses. So the best remedy for securing a fair price for sugar-cane to the sugar-cane grower is to encourage these small concerns in almost every village, so that a fair competition might be started, and in that way a fair price of cane will be secured to the cultivator.

I may say that *gur*-making will also have to be encouraged, and a fair price will have to be secured for the *gur* manufacturer; because all those who cannot take their sugar-cane to factories or to the *khandsari* will have to turn their cane into *gur* and sell it at the best price available. So, Government will have to see that *gur*-making also is improved, and in that way a very good use is provided for the sugar-cane that is grown. All this will take time to develop and I hope that this Act will be worked in such a way as to encourage the growing of sugar-cane and encourage also the small *gur*-making and sugar-making factories. The *khandsari* sugar may be of the second quality, but I think it has got better properties than pure white sugar, because many mineral salts are eliminated in making it. Also, the *khandsari* method may be a very wasteful method, but, still, all the same the existence of the *khandsari* is necessary to secure better price for the agriculturists.

I need not say anything about the Bombay Presidency, because there this Act may not be found useful; because the sugar factories there grow their own cane, and when these factories develop, they will not be in a position to grow all the cane they require, and, therefore, in addition to their own cane they will have to purchase cane from the agriculturists. In that way, it will be found, after some days, that the introduction of this Act in that tract will be necessary. Up to this time, there were very few factories in the Bombay Presidency. Before sugar protection came, there was only one factory which was doing very badly for 12 years. But, subsequent to the introduction of the import duty on sugar, that factory began to make profits, and I think that brought water to the mouth of the Finance Member. There was another factory which went into liquidation. Now, factories are rising up there, but the mainstay of the sugar-cane cultivator there is to turn his sugar-cane into *gur*, and *gur* had been up to this time fetching very good prices.

[Mr. B. V. Jadhav.]

Now, the prices have fallen and the cultivators are in very great difficulties. They do not get enough, not even what they have invested in cultivation of land, but there, I think, something will have to be done to improve matters, and I welcome this measure as a step in the right direction. Government have now come to realise that it is the cultivator who ought to be supported and I hope that the efforts of Government will succeed. Sir, I whole-heartedly support this measure.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, in the course of the Budget debate, I welcomed the principle underlying this Bill, and I am extremely glad to find that it has met with such a chorus of approval in all sections of the House. The Bill involves a very important principle. It was time that the Government devoted their attention to raise the level of prices of agricultural products in this country, because, on a proper solution of that problem, depends the economic growth of India through development of industries. The Government having regard to the system that prevails are ordinarily content to take the path of least resistance and to move round their ordinary circle of routine. But I am glad that they have now made a new departure and have initiated boldly a policy which I hope they will adhere to and extend as time goes on. In this country, the most unfortunate fact is that the agriculturists, who are the primary producers of the wealth of the country, are ignorant, uneducated and unorganised, and are, therefore, unable to protect themselves, with the result that we have seen that they are the prey of middlemen and exploiters of all kinds. The point has now been reached—and I am glad to find that the Government recognise it—when there shall be a stop put to inaction and instead energetic and bold action has to be taken in order that the agriculturists and other producers, who are placed in a similar condition, get their dues and the exploitation ceases. In the course of the Budget debate, I also pointed out that there were obvious difficulties involved in bringing into effect the provisions of the Bill. But I think it is quite possible and I hope that steps will be taken to see that the provisions of the Bill in the actual conditions of the Provinces are effectively carried out according to the spirit of this measure and I do believe when the Local Government face the facts of the situation in particular localities, many of the difficulties will be minimised if not completely overcome. In putting into operation a measure of this sort, we have to face the fact that at the beginning the Act may not achieve its maximum result; and some experience has to be gained before the agriculturists get their due share of the profits from sugar production in this country. The question has been raised whether the operation of the Bill should not be *extended* to the producer of *khandsari* sugar and even of *gur* and *rab*. At present the operation of the Bill is confined to the factory produced sugar; and there are such difficulties in the way that I think the Government are well advised not to take too large a leap in the dark. With experience gained, it may be possible for the Government to rope in other similar industries. I do hope that the Central Government will very carefully and closely watch how the different Local Governments are carrying out the provisions of this Act and that in making the rules the Government of India will play an active part in seeing that the rules may be appropriate to the different Provinces, which evidently will have to lay down what measures are needed in their particular areas for the protection

of the agriculturists who supply cane to the factories. It is not necessary to say anything more on the subject. I welcome the principle of the Bill, and I do hope that in due time the principle of the Bill will be extended to the cultivators of similar crops.

I alluded in my Budget speech to the condition of the growers of jute in Bengal. Every one knows that it is far from satisfactory. I believe that the jute industry itself is contemplating measures to see that the cultivators get proper prices for their produce. At present they are badly exploited by middlemen of all sorts, and I believe the millowners of Bengal would not be disinclined to see that a proper measure is enacted, so that jute growers of Bengal also may reap the reward of their labour. With these words, I give my cordial support to this Bill.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan

12 Noon.

Rural): Mr. President, I am grateful to you for this opportunity that I have got to say a few words about this Bill. I have listened with great attention to what has fallen from Sir Abdur Rahim with regard to the raising of the prices of cane. I am sure, he must have had the Province of Bengal in his mind when he spoke. I am the last person in this House to differ on any important matter with him, for I have great personal respect for his great personality, and, if I were free, I would have followed him in this House also generally. It seems to me as a very humble student of economics that it is not right and proper at this stage of our development to have recourse to Russian system of developing the country's resources and its price level of things like cane. I have had occasion to go through many treatises on the subject, but it seems to me that, instead of bringing in by the backdoor this innocuous system of socialism among the lowest ranks of the Indian people, it would have been more well-fitted if provisions of this kind could be put in connection with textile Bills and other Bills of that kind wherewith only better class people, cultured people and well-to-do people are concerned. Sir Abdur Rahim has very pertinently brought up the price question of cane so as to put some more money into the pockets of the cane growers. If this attempt helps the growers, he has my blessings. Because, one does know very well what is the real condition of the cane growers all over the country, and not merely in Bengal. They are practically tied to the soil, and no amount of control, in my humble judgment, will in any way ameliorate their condition. Sir, from a cursory reading of this Bill, I feel that this measure will not only not serve any useful purpose, but it will try to bring about in the long run some sort of disunion between the middle class landholders and these people for whose benefit Government have brought forward this Bill. It also appears at the same time that Government have given some powers to Local Governments, and I should very much like to know what are the occasions on which my friend, the Education Secretary, will invoke the aid of clause 8 of this Bill. Sir, it seems to me that it will not be fair to say that if, in any Province, an independent Minister or even if a stupid Minister working under the Transferred Department hits upon some method to afford succour to the cane growers, the Government of India should take recourse to clause 8 of this Bill. Then, secondly, Sir, I should very much like to know whether from the experience of the Government of India they have known any country in this vast world of ours which has been able to give succour to the

[Mr. Muhammad Anwar-ul-Azim.]

cultivating millions as they exist in this land. The Government of India might be in a position to know as to what is happening in Russia, but even there I am rather doubtful whether a particular system is working satisfactorily for the benefit of the grower. It seems to me, Sir, that instead of bringing forward a verbose Bill of 8 clauses, it would have been much better if the Government of India had left the control of all these matters to the Provincial Governments, and if any particular Province was fortunate enough not to possess a stupid Minister, I am certain that would have been the only fair way of helping these people, provided, firstly, through the Union Boards and the Local Boards they extended the help.

Certain friends have suggested,—I suppose my friend, Mr. Jadhav, referred to it,—that with the assistance of Co-operative Societies perhaps these methods could be properly worked. As one who is very intimately connected with the local administration of my Province, my view is that unless and until,—I am speaking now with reference to my part of Bengal,—unless and until you have direct touch with the Chairman of District Boards, the Local Boards and the Union Boards, you will not know how far you will be able to give the benefit of this measure to the cultivator class who are the people directly connected with the soil, and only they know really where or in what particular parts sugar-cane can be successfully grown. I know in my part canes are grown on elevated hilly places in the outskirts of the district on the eastern side and also on river banks, but if these things are left to District Magistrates and his subordinates to judge and decide, then the Bill will not realise its purpose.

Mr. President, after listening very minutely to the speeches on textile and sugar protection measures, it seems that the Government are not anxious to exercise any control on the free growth of industries. I am the last person to believe that Government are solicitous to giving succour to the poor cane grower if their past conduct is any guide. For, what do you see in this House? Practically Government are paralysed by influences of strong capitalistic and industrial interests. I should have very much liked to see the so-called Rural Group taking up the cause of the poor cultivator, because, if really the Rural Group in this House were solicitous of the welfare of the cane grower, they should have sent in such amendments as would improve the lot of the poor sugar-cane grower. As a matter of fact, it is very difficult to afford succour to the cane grower. It seems to me, Sir, that the whole of the manufacturing group, the vested interests, the monied people in this House have ranged themselves against the provisions of this Bill, otherwise where was the necessity for my friend, Seth Abdoola Haroon, and others from the U. P. to come out with so many amendments so as to deprive the growers of even the little benefit which they can get by this measure? That is all I have to say, Sir.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I whole-heartedly support the principle of this Bill. I share the hope of my friend, Sir Abdur Rahim, that the Government of India, who, I am glad to say, have awakened to the real position in the country regarding the agriculturist, would extend the principle of this Bill to other agricultural products. I know, Sir, the question bristles with difficulties, and that, I believe, is the reason why even some Local

Governments, although they are very much interested in this matter, are afraid to approach the subject, but I would ask them not to leave things to drift until it is difficult for them to tackle the position with care and with leisure, for they will have to do something in a hurry at the last moment and probably thereby leave the agriculturist in a position worse than he would be before any such scheme is undertaken. I am very glad for another reason that the principle of this Bill has been acknowledged and attempted to be brought into force with the help of this House in respect of the cane growers. I am sorry that my friend, Mr. Mody, is not here, because the other day in his very very eloquent speech on the Cotton Textile Bill, when we accused the millowners of inefficiency, he turned round to me and thought that he had discharged his duty by referring to my motor car, and he asked me in very vehement language: what did you people do, did you relieve the agricultural indebtedness, did you make any attempt to make two blades of grass grow where one grew before, and all that sort of thing. The only little difficulty that he has failed to understand,—and I am glad the Government have given him a direct answer,—is that in the case of landholders it is no secret that it is the Government that claim to be the landlord. And, Sir, so long as State landlordism prevails, it lies upon the Government to do it, and that is the reason why they have quite rightly taken upon themselves the solution of the most insoluble problem, namely, the question of indebtedness and things like that, and the marketing of our products. I am their ryot. They would not even call me a *mirasdar* which 30 years ago they said in our *pattahs*. They changed it afterwards and they simply call us ryots. Year after year we go and protest against taking the *pattahs* but still we accept them. We being their ryots, it is their business to look after all the troubles under which we are being weighed. Another reason why it is a greater business on their part to look after us is that at least 60 per cent of our troubles is due to their unfortunate system of taxing the land in an absolutely unscientific manner without knowing what they are doing. I say that deliberately because, while they profess to fix the rate upon the rise in prices, they forget that 85 per cent of the cultivators pay only Rs. 10 as land revenue which does not provide for a large area of cultivation, and what does it matter whether your prices rose or fell? That being the position, I am all the more glad that the Government have, notwithstanding the protests of persons who are not interested, I say, in agriculture like the millowners whom Mr. Mody represented the other day—I say that the Government have, in spite of them, recognised our position and have girded up their loins to relieve us from the trouble. I do not want to take up the time of the House, because it is a matter upon which I am glad to say that everybody is agreed, and I am so pleased with myself that the House, in spite of its preoccupations, has with one voice declared that the interests of agriculture and the agriculturists should be placed in the forefront of the business of Government. It has been said that there would be difficulties. I say there would be difficulties; and I would respectfully join in the request made by my Honourable friend, Sir Abdur Rahim, that, although these matters ought to be primarily and mostly administered by the Local Governments, yet, I say from the experience that I have of the way in which Local Governments deal with these matters, the Central Government must have a control, not a control in the day to day events connected with the administration of this Act, but some outstanding real and effective control,

[Raja Bahadur G. Krishnamachariar.]

so that, when matters are brought to their knowledge, they might step in and legally provide for the difficulties created in the Local Government to be removed and that their most salutary object is attained in as perfect a manner as it is possible for human beings to attain perfection, in any measure of theirs. Consequently, I would ask them not to be scared away by the threat that agriculture and other things being transferred subjects, the Government of India cannot interfere. So long as the Government of India have the control of affairs in India, so long as section 33 exists in the Government of India Act, providing for supervision and control by the Government of India of the government and administration of the Provinces, so long I submit that it would be absolutely impossible for the Government of India to shirk their responsibilities under this diarchical system which, I hope, will soon die. As long as section 33 of the Government of India Act is alive, so long I submit there ought to be a clear and effective provision for that superintendence which Parliament has in its wisdom entrusted to the Government of India. I whole-heartedly support this measure.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural). I give my whole-hearted support to this Bill. I also along with the previous speakers entertain the hope that the keen solicitude that has been evinced for the poor agriculturists in the case of those who are sugar-cane growers will be evinced in the case of other agricultural producers also. Except my amiable friend, Mr. Anwar-ul-Azim, who has raised a dissentient voice, the whole House is unanimous in according its hearty support to the Bill. My Honourable friend sees red in this Bill. Probably the very mention of control—I mean control of prices and control of production—has raised before his vision an image of the Russian Soviet. But he need not have any apprehension on that account. Then, again, it has been said that there should be some help for the industrialists and it seems that some of the speakers are in favour of giving protection to industrialists and they think that the salvation of India lies in industrialisation, a theory which I have more than once refuted on the floor of this House. I believe that these tall chimneys and these steam engines are out of place in a country like India. India is mainly an agricultural country and it will thrive on agriculture, and its most precious heritage is not material but spiritual wealth. My Honourable friend from Chittagong has said that the Bill will bring about dissension between the middle class landholders and the cane growers. I presume my Honourable friend, although a very young man, has sufficient knowledge of agriculturists in Bengal, he himself being the Chairman of the District Board of his District. I can also claim some knowledge of those boards which go by the name of union boards, local boards, district boards, having been a member and in charge as chairman of some of these for several years. I have some experience of the working of these boards. He has suggested that these boards should be empowered to work in place of local officials, while my Honourable friend from Bombay has suggested that the co-operative department should be entrusted with the work. I also claim some knowledge of the working of the co-operative department in my own province, having been connected with the co-operative movement and having been one of its organisers and administrative officers for several years in my Province. I may say that neither the union board, nor the local board, nor the district board, nor the

co-operative societies are yet fit to take charge of these affairs. I know the inner working of these boards. The cry has always been that self-Government must begin from the root and, therefore, these union boards and local boards have been set up. Those who have intimate knowledge of the working of these boards know very well that these are nothing but engines of oppression upon the poor agriculturist.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): In Bengal.

Mr. Amar Nath Dutt: In Bengal at least. I do not claim experience of any other Province. As regards sugar-cane I beg to submit that in my Province there are very few, almost a negligible number, of sugar factories in Bengal. In fact, in Bengal, the *gur* manufacturers have their own sugar-cane cultivation. I am not aware of any place in Bengal where these sugar-cane growers can sell their produce, but they themselves manufacture *gur* in Bengal. So I beg to submit that the relief that will be given by this Bill will be given to other Provinces than my own and in spite of that I think it is the bounden duty of every one of us to support this Bill. My friend has also taken exception to clause 8 of the Bill to which my friend, the Raja Bahadur, the Leader of the Rural Group, against which my young friend had a fling, if I may be permitted to say so, has given a fitting reply. I think the provisions of this Bill are very salutary and support has been coming from all sides of this House and I think it rarely falls to the lot of any Government Member introducing a Bill to get such unanimous support to his Bill. I congratulate the Honourable the Mover of the Bill for the support that he has been able to evoke in the House.

Lala Hari Raj Swarup (United Provinces: Landholders): Sir, I strongly support this Bill. There is, Sir, an impression in this House and abroad that the sugar manufacturers are opposed to the passing of such a Bill. I beg to remove that impression and I beg to say to the House that we are whole-heartedly in support of this Bill, because we feel that the fate of the grower and the fate of the manufacturer are connected together.

Sir, when I support this Bill, the main reason is this that when we are paying a fair price, and we maintain that we are paying a fair price why should we have any fear from this Bill. In the representation that we made to the Government on the occasion of the passing of the Sugar (Excise Duty) Bill, we said that we are paying six annas on the average throughout the country. That figure has been contested during the various speeches made, but it is a fact that the average price paid throughout the country is six annas. The Honourable the Finance Member said yesterday that he could challenge anybody to say if he is paying more than five annas. I got figures from my own factory situated in the western part of the United Provinces and I accept the challenge of the Finance Member and say that I have paid more than six annas a maund. Sir, Mr. Bajpai also said that the Minister of Agriculture in the United Provinces said in the Simla Conference that the factories in the western United Provinces were paying only three annas and four annas.

Mr. G. S. Bajpai: I should like to correct my Honourable friend. I did not say that the U. P. Minister had said that the whole of the factories in the U. P. were paying three annas or four annas. He said that some factories were paying three annas or 3½ annas.

Lala Hari Raj Swarup: Again, my friend, Mr. Yamin Khan, definitely told me that I was paying four annas. I got the figures from my own factory and I wish to make a present of this paper to my friend, so that he can ascertain from the Minister of Agriculture in the U. P. whether this price is paid or not. The price paid by us on an average up to the end of February was six annas, $5\frac{1}{2}$ annas per maund on rail borne cane and six annas four pies per maund on cane brought by carts to the factory gate. This average has gone up as the prices were considerably higher in the months of March and April.

An Honourable Member: Does that include commission?

Lala Hari Raj Swarup: It includes commission, but most of the cane we buy direct. The commission we pay is three pice per maund. The second reason for my support, Sir, is that if a minimum price is fixed my own idea is that the price of sugar-cane will be practically stabilised at that figure and it will prevent constant bickering between the grower and the manufacturer. It will certainly improve their relations, because my own experience has been that every day we are trying to reduce the price and they are trying to increase the price, and thus there is constant trouble to the factory. The third reason is this, Sir, that it will satisfy public opinion. I feel that there is a strong public opinion in the United Provinces that there should be a legislation of this sort. Whether this legislation succeeds or not it is yet to be seen, but it will certainly satisfy the public opinion, and will exonerate the manufacturers of sugar from the serious blame laid at them that they pay an uneconomic price for cane. The other reason of my support, Sir, is this: that if a minimum price is fixed, the grower will actually know where he stands and it will give some stability to the cultivation of cane. He will know how much he is going to get and the profit he is going to make and, therefore, the cultivation of sugar-cane will be on a much more stable and steady basis. As the minimum price will also be fixed, there will be an incentive for the grower of sugar-cane to grow better varieties of cane as he will know that the manufacturers will pay higher price for those canes which yield more sugar and, therefore, it will also be in the interest of the manufacturer. There is another reason of my support, Sir, and it is this: that, if a reasonable minimum price is fixed, the profits of the industry will be more equitably distributed between the various parts of the industry and the great advantage of this will be that it will check further the growth of mushroom factories which have sprung up during the last two years and on account of which there is fear of over production and loss of efficiency.

Sir, it must be recognised that this measure is of an experimental character, because in this country before this no steps have been taken to control the prices of raw products intended to be sold to the manufacturing concerns. The success of this measure will greatly depend upon two factors. The first and the main factor is in the working of the Act in the Provinces, as to how they will overcome the various difficulties that beset this legislation. secondly, on the co-operation that is extended to this legislation by the manufacturers and the growers. There are, Sir, numerous difficulties that are involved in this Bill. The first is; how are you going to fix the price of cane, whether it will be according to quality, the freshness or the staleness of the cane. As you know, in a sugar factory much depends upon the quality of the cane. If you get fresh cane, we

will be prepared to pay much more than we can pay for cane which has been cut some time back. Secondly, there are various varieties of cane. From one variety you can recover five per cent, from another seven per cent, from the third you can recover nine per cent, and in Bombay and other places you can recover as high a percentage as 11. The other difficulty will be what will you do about the cost of the transport of cane? A large number of factories have to bring cane from long distances. If the whole cost of this transport is to be borne by the factories, then the factories will cease bringing cane from distances and the result will be that in those areas, where there are no factories, the growers of sugar-cane will suffer.

Another point for consideration is, what relation the price of cane should bear to the price of sugar, whether it should be an arbitrary fixing of price, or it should have some relation to the price of sugar, to the cost of production that we have to undergo, and to the duty that we have to pay on sugar. My friend, Mr. Maswood Ahmad, said that eight annas would be a reasonable price and that he had the authority of the sugar manufacturers to say that most of them agree to eight annas. Sir, I do not know whether he listened very carefully to the figures that my friend, Diwan Banadur Ramaswami Mudaliar, and Mr. Jagan Nath Aggarwal and myself gave yesterday to the House. Even at six annas, we showed that sugar factories would not make a profit of even three per cent; so, how can the factories exist at eight annas a maund? He might have remembered the recommendations of the Tariff Board. The Tariff Board no doubt said that in the beginning of the protective period a price of eight annas should be paid, but the assumption on which they proceeded was that the price of sugar at that time would be Rs. 10, while it now is Rs. 7-12-0 per maund.

The next point for consideration will be whether there should be a flat rate for the whole of the Province or whether the Province should be divided into various tracts and the price should be fixed according to the extraction of sugar that they get in the various tracts, the price of sugar which they receive in the various tracts, the duration of season and other special conditions prevailing in those tracts. Sir, if the Provincial Governments will adopt a reasonable attitude and will give scope and full opportunity to the sugar manufacturers to co-operate with them, I dare say that we, the sugar manufacturers, would be quite willing to extend our full support to the Government in making this measure a success.

Sir, I am, however, sorry that this Bill has been considerably delayed by the Government of India. The real time for passing this Bill was when the Protection Bill was passed in this House. I will in this connection read, with your permission, a small passage from the minute of dissent which I appended to the Sugar (Protection) Bill at that time:

"The Committee have incorporated this recommendation in the Bill, but I had thought it would have been better had some steps also been taken to fix the minimum price for the cane grower. This problem is indeed full of difficulties as conditions from one tract to the other differ so widely that no single price could be fixed. But, in spite of all these difficulties, I feel that we must devise some methods by which we can secure a good price to the cultivator, because I am told that some factories are taking undue advantage of abundance of cane and are paying very low prices to the cultivators. I hope the Local Governments will give this matter their thought and do the needful."

[Lala Hari Raj Swarup.]

Sir, had this Bill about the price-fixing been passed at that time, the grower would have got a much greater advantage than what he will get now and the advantage to the Industry would also have been that the growth of this industry would have been very sure and steady and the benefit would have been divided equally between the grower and the manufacturer, and we would not have got this excise duty which we got yesterday had this Bill been passed at that time, because some of the factories would not have made as much profit as they did and there would not have been so much attraction for people to come to this industry as there has been during the last two years. We would not also, Sir, have alienated the sympathies of most of the Honourable Members who talked so much of high profits during the debate of the Sugar (Excise Duty) Bill.

Sir, to make this Bill more effective and to serve the purpose for which it is intended, various amendments are necessary. One of the important amendments is that the Bill, as it is, should apply to all the Provinces. We should not give an option to the Provinces not to apply the Bill; we can give an option to the Provinces, as they have under the various clauses of the Bill, to vary the formula according to the circumstances of each Province, but to give them power, whether to apply the Bill or not, is not, I think, justified. Sir, in the Statement of Objects and Reasons, the Government say that this decision is consequential upon the imposition of an excise duty on factory sugar. Sir, if that is so, I maintain that the legislation should apply to the whole of India, because the excise duty is applicable to the whole of India and no Provincial Government have any option to set aside the excise duty so far as that particular Province is concerned. If this Bill is applied to the whole of India, it will also solve the difficulty of fixing such prices in adjacent Provinces. Sir, take the case of the Punjab, the United Provinces and Bihar and Orissa. All these three Provinces are adjacent to each other. If prices are fixed in one Province and they are not fixed in the other two Provinces, the industrialists in that particular Province, will naturally feel some grievance and they will also feel that they have been put under a disadvantage. The second amendment that is necessary is to give more time to the public to offer their criticism about the rules and the formulæ that are made in the Bill, and, thirdly, Sir, as this excise duty is an all-India measure concerning the Government of India, therefore there must be powers in the hands of the Governor General-in-Council to revise the various rules and formulæ made by the different Provincial Governments. If they feel that injustice is being done to the sugar manufacturers or sugar-cane growers, or that one Province has fixed a much lower figure than another Province, then in such a case interference by the Government of India is absolutely essential. Sir, I have mentioned all these difficulties not in any spirit obstructing the Bill, but making it really useful and to serve the purpose for which it is intended.

My friend, Mr. Anwar-ul-Azim, just now said that the amendments given notice of by Seth Haji Abdoola Haroon and others are only intended to crush the grower and to make the Bill worse. Sir, had he taken care to go through the amendments, he would have found that we wanted to make the Bill really an operative Bill and not to remain a dead letter on the Statute-book. Sir, we know that there are innumerable difficulties in making this Bill successful, but my own feeling on such Bills has always

been that we should never postpone the passing of such Bills, because there are difficulties. In every legislation, there is bound to be evasion; but legislation has a very good moral effect, and I hope that this Bill will mean a beginning of the era of planned economy in this country and prove a blessing to the grower of sugar-cane. Sir, it is an experiment, but I think, Sir, an experiment well begun.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I congratulate the Honourable Member for bringing forward this measure. In fact, he ought to have brought this Bill about two years ago. But I console myself by saying "Better late than never". Sir, a measure of this kind for all industries which are protected is absolutely necessary. My friend, Mr. Thampan, and others have been pressing that it is the duty of the Government to safeguard the interests of the consumers and the interests of the agriculturists in all measures in which they heavily tax the consumers and the tax-payers. Sir, Government make promises, but I do not know when our demands would be materialised. In this connection, I will quote a Persian couplet which says:

*"Har chi danan kunad, kunad nadan
Lek bad az nuqsani bisyar."*

The translation is that, whatever a wise man does, also does the unwise man, but after losing a good deal of money. I am sure, Government will have to bring a similar Bill, in connection with the Tariff Amendment Bills, that we have already passed, to see that the protection is not given for the benefit of the capitalists only, but is also exercised in the interests of the people, so that the amount they invested may afterwards be realised. Sir, a person dreamt a dream and said to his friends in the morning that he dreamt a dream, half of it was right, and half of it turned out to be wrong. He said that he dreamt that somebody gave him a slap on the face and a rupee which he put under his pillow. When he got up in the morning, all the signs of the slap were there; the pain was there; his cheeks were red; but under the pillow there was no rupee. The same is the case with all these taxations. That we have given them the taxation is one-half of the dream, and that is correct; and the other half, that it would be for the benefit of the people, is really missing and probably that will come

"Bad az nuqsani bisyar."

(That is to say, after losing a good deal of money.)

Sir, we have been discussing the price of the sugar-cane, that is, what is really a fair or a minimum price of the sugar-cane. In this case, a formula has been discussed by the Sugar Technologist on which I should like to comment. The formula which everybody knows is that the fair price of the sugar-cane per maund in annas is obtained by multiplying the extraction of sugar per cent by the price of sugar and is divided by 200. My friend, Mr. Hari Raj Swarup, has just pointed out that the price of sugar certainly depends upon the quality of cane. So, it varies directly with the extraction of sugar per cent. That is correct. The second part is also correct, namely, that the sugar manufacturer can only pay according to his own profit. That is to say, he can only pay proportionate to the price of the sugar, which is ten annas. Therefore, it is correct that

[Dr. Ziauddin Ahmad.]

the price of this varies according to the extraction of sugar and according to the price of sugar. That is to say, it is equal SP multiplied by some constant—and I do not know how that constant has been arrived at. I do not understand why it should be divided by 200 and not by 190 or 210. Perhaps my friend, Mr. Bajpai, would be able to explain this.

Mr. G. S. Bajpai: I will just explain it in a minute. It is the practice in Louisiana, where the system of fixing prices prevails, as also in Cuba, to assure to the grower of sugar-cane half the price of the sugar which is extracted from a unit of cane. That is the explanation of it.

Dr. Ziauddin Ahmad: My friend has only transferred the formula and has given it in another form. That is to say, instead of calculating the price of the sugar per maund, he has calculated the price of hundred maunds of the sugar-cane. In that case, the constant factor instead of 200 will become half. And the problem of half is just as much as the problem of $1/200$ and the only reply that can be given is that really speaking this formula is not accepted in any other country, but there is no proof of it.

Then, Sir, there is another important omission in this formula which is really worth consideration. It is this that this formula has been taken from other countries; it is capable of application in normal times, but during the period of protection the Tariff Board themselves recommended a special case which I think has been overlooked in this particular formula. They said:

"We consider that the scale recommended by the Indian Sugar Committee, namely, a sliding scale based on price for cane equal to half the price of sugar manufactured from it, subject to a minimum of six annas per maund, is generally suitable. But (and this is an important 'but'), in the first years of protection (This means seven years without the special protection), we consider that this should be increased by one anna per maund."

Therefore, this one anna can always be added as the benefit of the sugar-cane grower out of the special protection which we are providing to the industry. We are giving them a protection of Rs. 7-12-0 and the question is what is the share of the profit for these sugar-cane growers out of this amount. The Tariff Board have recommended that we ought to add one anna to it. This formula may be correct, but, of course, I cannot guarantee its accuracy. Even supposing that this formula is correct, then it can be applied only in normal times and not during the period of protection. For the period of protection we must accept the recommendation of the Tariff Board and add one anna to it. This formula, therefore, ought to be: C is equal to S, multiply it by P and divide it by 200 *plus* another constant and that is one anna. $\left(\frac{S \times P}{200} + 1 \right)$

Perhaps during the next period of protection, that is, after seven years, this one anna may be reduced to half an anna and when the entire protection is withdrawn, then this additional constant may also go. That is one important omission in the calculation of the price per maund, namely, that we have not provided in these calculations the share of the sugar-cane growers in the amount of protection that we have given to this industry. Their share, as has been recommended by the Tariff Board, must be at least one anna during this period of protection.

There is one more difficulty which I feel, that is, in the word "minimum" which probably we will discuss later on. I have great apprehension in my mind that in practice this minimum price may become the maximum price unless something is done in this connection.

I congratulate my Honourable friend, Lala Hari Raj Swarup, on the excellent speech that he has made, and I wish he had made a similar speech yesterday and day before yesterday. He ought to have complained that the Government ought not to have put this surcharge on it, so that mushroom factories may not spring up. This is the conclusion I have drawn in my mind from the speech. After putting this excise duty, there will be some kind of protection against coming into existence of these mushroom factories, and there will be greater check on the production.

The last point I want to say is this. This particular Bill, to my mind, appears to be the first step which the Government have taken to raise the price level of agricultural produce. The Tariff Board say on page 40, section 28 of their report, that the price of wheat has fallen from Rs. 5-10-0 to Rs. 3-0-0, the price of cotton from Rs. 298 to Rs. 156, the price of rice from Rs. 6-4-0 to Rs. 3-4-0 and the price of jute from Rs. 71-4-0 to Rs. 34 only. This is the price level of some of the commodities in 1932; and the price level for 1934 is still worse. So, I submit, this is really the first step which the Government have taken in raising the price level of agricultural products. I am glad that the Government have done it, and it is quite possible that this measure may have an important effect on other agricultural commodities.

Before I conclude, I wish to draw the attention of the House to the suggestion made by my Honourable friend, Mr. Maswood Ahmad, that we must have some kind of restriction about the price of *gur*. We find actually the price of *gur* has fallen down much more than the price of sugar. The price of sugar remains the same, but the price of *gur* has fallen below the economic price. I believe it will be of some advantage if the Government watch the situation for the time being and see whether it is not desirable to put a minimum price on *gur* for the *khandsari* manufacturers also, because the Government have put a duty only on one side and left *gur* altogether out of account, and, therefore, the effect which the Government have in mind by introducing this measure may not be achieved.

Mr. G. S. Bajpai: I am both grateful to Honourable Members for the measure of support which they have given to this Bill and gratified by the response that they have made to it. I do not consider it necessary, Sir, to traverse all the ground that has been covered by previous speakers, but there are three points which stand out and in regard to which I think I may make a few observations.

The first is that there will be practical difficulties in the working of this measure. That, Sir, is recognised. Whenever you make a new departure or an innovation, you are up against the unexpected and that unexpected you can try to overcome only by the method of trial and error, and it is because we recognise that there will be practical difficulties and because we wish to mobilise all the experience and the wisdom we can that we have made provision in the Bill that a Local Government shall before it actually notifies its provisions or proposals publish them with the object of eliciting observations and opinions thereon.

[Mr. G. S. Bajpai.]

The second point which has been made is that the Governor General-in-Council shall exercise a certain measure of control over the working of this Bill. In regard to that, I made the position of Government, I hope, clear in my opening observations. So far as the actual application of the provisions of the Bill to a particular Province is concerned, we think that we must leave the discretion to the Local Government, because they alone are in a position to recognise when a situation has arisen when the application of those provisions becomes necessary. Subject to that, I may say to my Honourable friend in advance that there are certain amendments, for example, in regard to the previous consent, of the Governor General-in-Council to the rules made under clause 7 of the Bill, and amendments, like that, I think, Sir, I shall be in a position to accept on behalf of Government. (Hear, hear.) In any case, Honourable Members may rest assured that the Government of India, having undertaken to make grants to Provinces, will keep a close eye on the working of the provisions of the Bill in those Provinces where it is applied, so as to make sure that none of the grants which they make is improperly applied and that the maximum advantage is derived from the grants which they make. (Hear, hear.)

The third point that has been made is in regard to the Indian States. Now, Sir, the House knows perfectly well that it is not possible for us to legislate for the Indian States. The most that we can do is to watch the situation, and, in the light of experience gained, consider whether any action on the part of Government is necessary. That undertaking, Sir, I am prepared to give my Honourable friends here, namely, that we shall see how these things work, and, in the light of our experience, determine our future course of action.

My Honourable friend, Dr. Ziauddin Ahmad, mentioned a formula which has been tried or which has been worked out by the Sugar Technologist. May I tell him that in this Bill we are not incorporating any particular formula. We are, as a matter of fact, leaving it to Local Governments after proper enquiry and consideration of local circumstances to devise formulas to meet the local needs. It really is in the very nature of things impossible, considering the size of India and the diversities of local conditions for Government to prescribe a uniform formula susceptible of uniform application. That, Sir, is all that I need say at this stage.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill to regulate the price of sugar-cane intended for use in sugar factories be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 3 stand part of the Bill."

Mr. M. Maswood Ahmad: Sir, before I move my amendment No. 10, I wish to know what becomes of my amendment No. 8*?

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair cannot allow that amendment to be moved, because the Honourable Member's intention appears to be just to substitute a few words, and for that he has given in form and substance the whole clause. The Chair cannot allow that to be moved.

Mr. M. Maswood Ahmad: There is difference between amendments Nos. 10 and 8. In amendment No. 10, I have simply said "subject to the approval of the Governor General-in-Council," whereas, in amendment No. 8, I have used both the expressions, "subject to the approval of the Governor General-in-Council" as well as "fair". So there is difference between the two amendments.

Mr. President (The Honourable Sir Shanmukham Chetty): There is a similar amendment in the name of Maulvi Muhammad Shafee Daoodi and the Chair proposes to call him to move his amendment.

Mr. M. Maswood Ahmad: Sir, amendment No. 10, which I want to move, is as follows:

"That in sub-clause (2) of clause 3 of the Bill, after the words 'The Local Government' the words 'subject to the approval of the Governor General-in-Council' be inserted."

Mr. G. S. Bajpai: May I just draw my Honourable friend's attention to the next amendment which stands in his name, No. 11, which wants the insertion of the words "subject to the control of the Governor General-in-Council". They are substantially the same, and it may be that if my Honourable friend moves that amendment, I may be able to give my views on it. The Honourable Member may choose which to move.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member can choose whatever he wants.

*"That for clause 3 of the Bill the following be substituted :

(3). (1) The Local Government may, by notification in the local official Declaration of controlled Gazette, declare any area specified in the notification to be areas and fixing of prices. a controlled area for the purposes of this Act.

(2) The Local Government, subject to the approval of the Governor General-in-Council, may, by notification in the local official Gazette, fix a minimum fair price or minimum fair prices for the purchase in any controlled area of sugar-cane intended for use in any factory in that area.

(3) The Local Government may, by notification in the local official Gazette, prohibit in any controlled area the purchase of sugar-cane intended for use in any factory in that area otherwise than from the grower or growers of sugar-cane or from a person licensed by the Local Government to act as a purchasing agent."

Mr. M. Maswood Ahmad: I choose No. 11. I beg to move:

"That in sub-clause (2) of clause 3 of the Bill, after the words 'The Local Government' the words 'subject to the control of the Governor General-in-Council' be inserted."

As I have said at the time of my first speech in this connection, I want that there must be some uniformity in the prices in different Provinces and in different areas. So I want that this power should be given to the Governor General-in-Council to control that price at least if the previous sanction is not possible. I realise that it is not possible in all cases to have the previous sanction of the Governor General-in-Council, and there will be delay in this matter. But this power must be kept, so that there may not be competition between the different Provinces, and it will save many troubles, and I request Government at least to accept this amendment. Sir, I move.

Mr. President (The Honourable Sir Shannukham Chetty): Amendment moved:

"That in sub-clause (2) of clause 3 of the Bill, after the words 'The Local Government' the words 'subject to the control of the Governor General-in-Council' be inserted."

Mr. G. S. Bajpai: Sir, personally I should have preferred to leave the clause as it stands, because I do not see any reason why we should think that Local Governments, in fixing prices, will not be fair to the interests of the manufacturers, and I should have pointed out to my Honourable friends that the power in clause 8 of the Bill is really intended to enable the Governor General-in-Council to redress hardships in events of that kind. But inasmuch as more than one Honourable Member on the opposite side has shown a keen desire for some power of control to be retained by the Governor General-in-Council, I am quite prepared to accept the amendment. But I would suggest a slight variation, not in words, but as regards the arrangement of these words. I think the words "subject to the control of the Governor General-in-Council" should come at the beginning; that is to say, the clause should read, "Subject to the control of the Governor General-in-Council, the Local Government may, by notification, etc."

Mr. M. Maswood Ahmad: I have no objection, Sir.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, may I ask my Honourable friend a question? I have been looking at the Devolution Rules, and I should like to be satisfied about the constitutional position. Under what rule, does the Honourable Member say that this House or the Governor General-in-Council has got the power to regulate this, in so far as agriculture is a transferred subject in a Provincial Government?

Mr. G. S. Bajpai: Sir, I have examined that question, and I should like to mention to my Honourable friend that this really is not what he would describe as the regulation of agriculture. It really is regulation of trade which is a Central subject,—trade in a particular commodity; so that it is perfectly competent for the Governor General-in-Council to exercise powers of direction, superintendence and control.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (2) of clause 3 of the Bill, before the words 'The Local Government' the words 'subject to the control of the Governor General-in-Council,' be inserted."

The motion was adopted.

Maulvi Muhammad Shafee Daoodi: Sir, I move:

"That in sub-clause (2) of clause 3 of the Bill, after the words 'or minimum prices' the words 'and a fair price or fair prices' be inserted."

Sir, by this amendment I am trying to introduce a difference between minimum price and fair price, and I want to make this difference clear in the Bill itself, so that, at the time of application of this Bill to the localities, there may be certainty for the cane growers to get their minimum price and at the same time there may be room for the manufacturers to encourage the cane growers by paying them a fair price if they think that the grower is doing all that he can for improving the quality of the cane. The minimum price, according to the Tariff Board, includes these things: (1) the average cost of cane cultivation per maund to the growers on a small scale; (2) the interest payable by them for the advances obtained against their cane crop which may be taken three ples only per maund; (3) the average cost of cartage per maund which is generally $1\frac{1}{4}$ annas per maund. On this basis the price is equivalent to the actual investment of the grower on each maund of cane supplied at the gate of the factory. The minimum price, according to the Tariff Board, is, therefore, the figure which the grower has invested, and, therefore, he must be recouped that much at all costs. But the minimum price is not going to give him any surplus for adopting an intensive method of cultivation or for improving the variety of cane cultivation; and, as we know, the yield per acre in Northern India is much less than the yield per acre in the highly advanced countries like Java and Cuba. The ratio of Indian production and the two countries is 13 to 50. Therefore, there must be some stimulus for these cane growers to apply their minds for intensive cane cultivation on a scientific basis. It is necessary that, over and above the minimum price, the growers must get a decent surplus which they may invest in increasing the efficiency of cane production. The Tariff Board, on page 60 of their Report, have recorded their finding on this question in these words:

"A fair price for cane would thus be about eight annas per maund delivered at the factory."

I would, therefore, suggest that the Tariff Board's standard of fixing a fair price must be followed and the difference between the minimum price and the fair price be recognised in the Bill itself. Otherwise, there is a great danger that the growers may get only the minimum price which may be fixed and which may barely cover their actual investment on each maund of cane and give them no surplus at all.

Mr. G. Morgan (Bengal: European): May I ask my Honourable friend a question? What is the total amount of the figures regarding minimum price that he gave just now?

Maulvi Muhammad Shafee Daoodi: The total will come to seven annas, and one anna, in addition to that, will give them a fair price. That is my contention. This eight annas will be a fair price and seven annas will be the minimum price. I think this distinction is essential, firstly, for ensuring the return of the investment to the grower, and, secondly, the difference between the minimum and fair price provides scope for adjustment of the cane price with the sugar price. This is bound to prove very healthy to both the growers and the manufacturers.

Khan Bahadur Mian Abdul Aziz (Punjab: Nominated Official): Sir, may I ask the Honourable Member one question? How will he distinguish between the grower who is really capable of working and the grower who is lazy and whose price naturally goes up on account of his laziness or because of his inefficient methods? The trouble about this is that a fair price may be one thing to one man and another thing to another man, depending on his efficiency.

Maulvi Muhammad Shafee Daoodi: The point is this: the minimum price is the price which you pay to him in order that he may be recouped for all the money that he has invested, and a fair price is, in my opinion, an anna more than the minimum price per maund for the purpose of giving him a stimulus to make intensive cultivation of the cane, to improve the variety of cane and to do all sorts of things which are necessary for the purpose of improving the production per acre.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair is not sure whether the language used by the Honourable Member is correct. The Chair would think that "a fair minimum price or fair minimum prices" would be a more appropriate way of putting the amendment.

Mr. G. S. Bajpai: Yes, Sir, if my friend is anxious to bring the word "fair" in. I was intending to explain to him that his assumption, that Government, in fixing the price, will take into account the bare minimum which has been mentioned by the Tariff Board and make no allowance for a margin which would convert the minimum into a fair price, is not justified. In fact, the fixing of the prices will be in the hands of the Local Government, and now we have provided that the price shall also be subject to revision by the Governor General-in-Council. I can assure my Honourable friend that the price that we do fix will be a minimum with due regard to what is a fair return to the cultivator, and, therefore, there is really no need for any change. What I am saying is that the minimum price will be a fair price, so that there will be no danger in that direction.

Maulvi Muhammad Shafee Daoodi: I have not made myself clear, I think. My point is this: I want that the Government should fix one minimum price which should recoup the grower all the money he has invested; over and above that, I want that the Government should fix a fair price—another price, not that one.

Mr. President (The Honourable Sir Shanmukham Chetty): There is only one price and that is the price to be paid by the factory owner to the cane grower: that is the only price with which the House is concerned.

Maulvi Muhammad Shafee Daoodi: My point is this: that the minimum price which the factory will have to pay is one thing. But since the price of sugar may vary from one figure to another, in that ratio the manufacturer of sugar must pay to the grower in addition to the minimum price, so that he may have an incentive to improve his cultivation.

Mr. President (The Honourable Sir Shanmukham Chetty): Who is to compel him to pay that?

Maulvi Muhammad Shafee Daoodi: I want two prices to be fixed, not one: one, the minimum price that must be paid, and the other, the payment of which will depend upon circumstances. If the price of sugar goes higher, then the sugar-cane grower should also get some money out of it, and that will be paid from that margin. It will be optional. It will depend upon the relation between the grower and the manufacturer. Unless we mention this fair price, the manufacturer will have an excuse that he will not pay more than the minimum price even if he makes something more out of the sugar that is produced.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in sub-clause (2) of clause 3 of the Bill, after the words 'or minimum prices' the words 'and a fair price or fair prices' be inserted."

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muham-madan): Sir, I find some difficulty in understanding the significance of the amendment moved by my friend, Mr. Shafee Daoodi. His amendment would work like this:

"Subject to the control of the Governor General in Council, the Local Government may, by notification in the local official Gazette, fix a minimum price or minimum prices and a fair price or fair prices for the purchase of any cane in any controlled area of sugar-cane,"

and so on. I do not understand how this will be a workable proposition, because the minimum price will be fixed with reference to the fair price of the sugar-cane. Now, in fixing the minimum price, the Local Government will have to take a number of factors into consideration, for instance, the quality of the sugar-cane, its freshness or staleness, the distance to which the cane will have to be carried, the carting facilities, the average profit to the cane grower, the percentage of juice that a particular variety of cane yields, and various other things will have to be taken into account. That minimum price naturally must be taken to be the fair minimum price of that variety of sugar-cane. If I understood my friend correctly, he wanted to convey the idea that there should be two scales of prices fixed, one the

[Mr. Gaya Prasad Singh.]

minimum price and the other the fair price of sugar-cane. If this distinction is to be made, I will say that the minimum price is not the fair price; to that extent Government will not be justified in fixing the minimum price at all, because the minimum price must be the fair price of the sugar-cane, and in this view the Bill is quite welcome. I can quite understand the feeling of sympathy for the cane grower which has prompted my friend to move this amendment and I fully share that feeling,—and in order to achieve the very object which my friend has in view, I will only interpose the same expressions in the way suggested by you. Sir, I do not know if my friend, Mr. Bajpai, will be willing to accept it on behalf of Government, but there can be no difficulty in accepting that slight change, because it is a mere transposition of the words, and it will serve the purpose which my friend has in view. It will also serve the purpose of the Government. I do not know, Sir, whether you will permit me to make that amendment just on the spur of the moment, but, after all, that is not very necessary.

Mr. President (The Honourable Sir Shanmukham Chetty): Mr. Maswood Ahmad has got an amendment in his name.

Mr. Gaya Prasad Singh: If he has got an amendment in his name to this effect, then he can be asked to move it.

Mr. M. Maswood Ahmad: Sir, I beg to move:

"That in sub-clause (2) of clause 3 of the Bill, after the word 'minimum', in both places, the word 'fair' be inserted."

Mr. President. (The Honourable Sir Shanmukham Chetty): *Before or after.*

Mr. M. Maswood Ahmad: Before the word "minimum" in both places.

An Honourable Member: Which is that amendment?

Mr. President (The Honourable Sir Shanmukham Chetty): He has just given notice of it

Mr. M. Maswood Ahmad: Sir, I do not agree that there should be two scales of prices, one minimum and another fair price, because there are certain penalties imposed. Now, if penalty is imposed for minimum prices, then the fair price which will be fixed by the Government will be useless, because there will be no effect of that, and, if there is penalty for fair prices, in that case the minimum price will be of no use, and, therefore, we shall be having two scales of prices one minimum price and another fair price, and that is not at all advisable. I suggest that the minimum price which the Government would fix should be a fair price. In this connection, I should tell my friends how in other countries prices are fixed. In Java, 50 per cent of the sugar recovered is paid to the planters. In Mauritius, 60 per cent to 70 per cent of the sugar recovered is paid to the planters; in Cuba, you will find that from '5

to 7 of the wage is paid in the form of raw sugar to the planters. Similarly, in the Phillipine Islands, 50 per cent to 60 per cent of the sugar recovered is paid to the planters; in Antigua, $4\frac{1}{2}$ lbs. of 96° sugar for every 100 lbs. of cane, and, at the end of the season, a further payment resulting from the division between the cane suppliers of 50 per cent of the profits of the factory. In Port Rico, $6\frac{1}{2}$ to seven lbs. of sugar per 100 lbs. of cane.

Now, Sir, by quoting these figures, I want to inform the Government that here also they should fix the prices in the same way as the other Governments are doing, and the minimum price that would be fixed should be a fair price. There is a proposal to fix only six annas per maund of sugar, and that, I think, is quite unjust, and, if you will work on that principle, six annas will be a very small amount, and it cannot certainly be called a fair price. Even the Tariff Board have calculated what a fair selling price is for sugar and other things, and they have also stated how much cane would be required to make a maund of sugar. On that basis, I suggest that Government should fix the minimum price, but it should be a fair price, and it should not be an unfair minimum price. I want to emphasise that point, and, therefore, I move this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendment moved.

"That in sub-clause (2) of clause 3 of the Bill, before the word 'minimum', in both places, the word 'fair' be inserted."

Mr. G. S. Bajpai: Sir, I am in a somewhat embarrassed position, because the suggestion that the word "fair" should be inserted before the word "minimum" fell from the Honourable the President himself. Naturally, I am very deferential to anything that comes from the Chair, but as I explained at an earlier stage, it is really not necessary to insert the word "fair" before the word "minimum". I consulted the Draftsman on the point, and he said to me that the word is really not susceptible of a precise definition, and, in a legal document, we have to employ precise language. I have already given my friend an assurance that in fixing prices we are not really going to limit prices to the bare minimum necessary to cover costs, but we are going to take into consideration all the circumstances so as to allow a fair margin to the cultivator, and I hope, Sir, that in the light of this assurance, my friends will see their way not to press their amendment.

Dr. Ziauddin Ahmad: If two prices are to be given, they can only be minimum and maximum. That is intelligible, but you cannot fix two prices, one of which is minimum and the other is fair. Fair is the average of minimum and maximum. We cannot fix a maximum price, because, after all, the cane grower must get as much money as he can, and it will be to the disadvantage of the cane grower if we put a maximum price. The only thing we are left with is that we should put one price, call it fair, or call it minimum, or call it fair minimum, but whatever you may call it, there is not much difference between fair minimum and minimum fair. I think it is a question of legal phraseology, probably I am not the best judge of it, but, from a common sense point of view, I do not see much difference between minimum and fair minimum and fair. To my mind, they connote the same thing. But, I would like to

[Dr. Ziauddin Ahmad.]

say that one thing which might be ignored by the Local Government at the time when they fix the price is this. The 'Tariff Board recommended that, during the protection period, one anna should be given extra to the sugar-cane growers. They say in section 41 of their recommendations that "in the first years of protection we consider that this should be increased by one anna per maund." This fact might be overlooked by the Local Government, it may not consult the 'Tariff Board's report which is practically getting out of print, and copies of the report are not easily available in the market. This fact ought to be noted that in addition to other considerations which the Local Government may have in fixing the price, such as the application of the formula $\frac{S.P.}{200}$, the formula multi-

plies the quantity of sugar by the price which it fetches divided by 200 or any other formula,—in addition to that the recommendation of the Tariff Board should not be forgotten regarding adding one anna to the price in the first seven years and, after that period, when we reduce the amount of protection perhaps half an anna, and when you come to the normal time this amount may be eliminated altogether I mention it, because it should be on record, so that Local Governments may be guided by this. As far as the amendment is concerned, there is not much difference between minimum and fair minimum, all these connote the same thing.]

Maulvi Muhammad Shafee Daoodi: In view of the assurance that the margin of profit will also be included in fixing the minimum price, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. M. Maswood Ahmad: In view of the assurance of my Honourable friend that the price will be fair and that there will be one price and not two prices, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. G. Morgan: I beg to move:

"That in sub-clause (2) of clause 3 of the Bill, the words 'in that area' be omitted."

The sub-clause says: "in any factory in that area". If there was a controlled area in one Province and not a controlled area in another, and there was a factory on the borders of those two, it would not come under this clause at all. The boundary between Provinces is merely a thin line, you can step from one field into another, that is, into another Province. The factory could purchase its cane as it liked, because it was not in that controlled area. I submit, therefore, that these words "in that area" should be deleted. Sir, I move.]

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:]

"That in sub-clause (2) of clause 3 of the Bill, the words 'in that area' be omitted."

Mr. G. S. Bajpal: I accept the amendment. As has been pointed out by my Honourable friend, we do not want that a factory outside a controlled area should be able to send its agents and buy in the controlled area cane at any price.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (2) of clause 3 of the Bill, the words 'in that area' be omitted."

The motion was adopted.

Mr. G. Morgan: I beg to move:

"That in sub-clause (3) of clause 3 of the Bill, the words 'in that area' be omitted."

The argument is exactly the same that I have used in the case of the former amendment. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in sub-clause (3) of clause 3 of the Bill, the words 'in that area' be omitted."

Mr. G. S. Bajpai: I accept the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (3) of clause 3 of the Bill, the words 'in that area' be omitted."

The motion was adopted.

Maulvi Muhammad Shafee Daoodi: I beg to move:

"That in sub-clause (3) of clause 3 of the Bill, for the word 'grower' the word 'growers' be substituted."

My object in moving this amendment is that in the Statement of Objects and Reasons it is stated:

"A Local Government should declare controlled areas within which purchase of cane by factories shall be limited to growers of cane or licensed persons and societies at fixed prices."

The plural was used here, but in the Bill itself we have the singular, and, therefore, I thought that the plural should be used in the Bill also. That was my idea in giving notice of this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in sub-clause (3) of clause 3 of the Bill, for the word 'grower' the word 'growers' be substituted."

Mr. G. Morgan: May I ask a question? Does it mean that you must never buy from one person, but always buy from two or more persons?

Maulvi Muhammad Shafee Daoodi: For that I have amendment No. 18. If the two are considered together, it will be better.

Mr. President (The Honourable Sir Shanmukham Chetty): Under the General Clauses Act, singular includes the plural also.

Maulvi Muhammad Shafee Daoodi: My idea was that there might be an organisation such as a Co-operative Societies' organisation and it would not be individual buying. That is what I gathered from my reading of the whole thing.

Mr. G. S. Bajpai: My position is the same as you have already explained, namely, that, under the General Clauses Act, the word "grower" includes also "growers", and, therefore, this amendment is unnecessary.

Maulvi Muhammad Shafee Daoodi: Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Maulvi Muhammad Shafee Daoodi: I beg to move:

"That in sub-clause (3) of clause 3 of the Bill, after the words 'the grower of the sugar-cane' the words 'individually or collectively' be inserted."

My idea is that the buying should be done either individually or collectively and this finds a place in the Statement of Objects and Reasons, but not in the Bill itself. I thought that there must be an express provision to show that there might be a collective organisation of the growers and selling of their crop in a collective manner, and, therefore, the words "individually or collectively" should be in the Bill itself.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in sub-clause (3) of clause 3 of the Bill, after the words 'the grower of the sugar-cane' the words 'individually or collectively' be inserted," 'preference being always given to the growers of the sugar-cane'."

Mr. G. S. Bajpai: I think my Honourable friend's difficulty will be easily solved. If he looks at clause 7 (2) (d), he will find that we provide for "the organisation of growers of sugar-cane into societies for the sale of sugar-cane to factories." And, in sub-clause (3) of clause 3, there is a definite mention of the words "from a grower of the sugar-cane or from a person licensed by the Local Government to act as a purchasing agent." This collective organisation will be a legal person, and, therefore, the words used by my Honourable friend are not necessary.

Maulvi Muhammad Shafee Daoodi: Sir, I beg leave of the House to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Maulvi Muhammad Shafee Daoodi: I beg to move:

"That in sub-clause (3) of clause 3 of the Bill, the following be added at the end: 'preference being always given to the growers of the sugar-cane'."

One of the main causes of hardships to the cane growers in my constituency, which is the main source of supply to the majority of the

factories in Bihar, is the profiteering and malpractices indulged in by the cane contractors. Mr. Prior, when he was speaking in Simla at the Simla Sugar-cane Conference, said:

"So far as my Government have been able to obtain information, the factories in Bihar this year intended to pay to the cultivator on the average 5½ annas per maund of cane. It is admitted, however, that they did not succeed in doing so on all occasions. They realise that this money was not paid and the reasons why it was not paid are partly because there was inaccurate weighing on the weighbridges and partly because a large number of factories buy their cane from contractors. The factory manager can only ensure, as long as he continues to buy cane through contractors, that money is paid to the contractors. He cannot ensure what that contractor pays to the ryot; and my Government are afraid that in last year the contractors did take a disproportionately large share out of the profit that accrued in the sugar industry."

It is on account of these weighty reasons that all our efforts should be concentrated on the elimination of the middlemen at the earliest possible moment. They should not find a permanent place in the industry, as in any case they are bound to pocket a portion of the margin of profit of the cultivators, while they do not contribute to the development of the industry in any way. As a temporary measure, some steps may be taken to control them by licensing, etc., but the ultimate objective of replacing the contractors by growers organisations should never be lost sight of. The commission of six to nine pies per maund which the mills in my Province generally pay to cane contractors for the supply of cane can easily be diverted to the cane growers' society which will discharge all the functions that are performed by the middlemen so far as the mills are concerned. Thus, without any additional cost to the sugar mills, the growers will be immensely benefited. Such a system of direct contract between the growers and the manufacturers is bound to help a great deal in achieving the idea of very high degree of co-ordination between cane production and sugar manufacture which is considered essential to reach the Java standard of efficiency. It might be pointed out here that the great majority of the total supply of cane to the factories in Bihar comes from the small cultivators who grow cane in a small area and thereby their cost of cultivation per maund rises higher than that of the large scale growers. This great handicap can only be counteracted by appropriate organisation of the small growers. The proposed growers organisation, through the net work of its affiliated societies in each village, would, in my opinion, be the best agency for minimizing the handicaps of cane production on a small scale, as far as possible and for promoting intensive methods of cultivation. Without any such organised effort, it is difficult to imagine how, by the isolated efforts of the individuals here and there, our poor ignorant cultivators are going to achieve the high degrees of efficiency in intensive cultivation of cane within a limited period of less than 15 years. It is worth while remembering that we have to raise the efficiency of cane product for 15 to 50 tons. On account of these reasons, I suggest that wherever such cane growers societies come into existence, they should get a preferential treatment from the factories concerned. Unless and until the Bill provides for giving such facilities and encouragements to the poor growers' societies, the day would be far distant when we may have the satisfaction of seeing a large number of such organisations of growers in existence. We are grateful to Government for the encouragement they propose to give to the organization of growers of sugar-cane into societies for the sale of cane to factories by providing

[Maulvi Muhammad Shafee Daoodi.]

funds for the purpose. But I would venture to suggest that the Government of India should not only distribute money to the Provinces concerned for this purpose, but, at the same time, should indicate the lines to be followed for pushing forward the scheme of co-operative organisation of cane growers. In this connection it will not be out of place to quote the view of the Indian Sugar Committee, 1920, which on page 89 of its Report under paragraph 259 says:

"Societies for purposes other than credit, especially those connected with cane growing, cannot be expected to prosper unless they are treated as an entirely distinct branch of the co-operative movement. The ordinary staff of the Co-operative Department has hitherto had its hands too full with credit work to give them the attention they require and, though it is now some eight years since the law was altered to permit the Co-operative Department to take up this branch of work, the results achieved have been disappointingly small. They will remain so until agricultural trading societies have their own organisations and experts, who must be given a free hand and not bound by rigid rules and restrictions. For the present, at any rate these officers must be provided by Government and their salaries like those of the Registrar and his ordinary staff must be borne by the State. Unless they are forthcoming, co-operation will, we fear, remain as at present a most negligible factor in connection with cane growing in India except in regard to the provision of credit."

Further, I may point out that the Royal Commission on Agriculture in India has rightly observed that

"the business of co-operative sale is not a matter for amateurs nor for those who have perforce devoted the greater part of their study to rural credit."

They emphasize that if any substantial progress on sound lines is to be made in this connection, it is the duty of Government to provide the Co-operative Department with expert officers properly trained in the technicalities of co-operative marketing. The Bihar Government should not entrust this task in this direction of co-operative sale of sugar-cane into the hands of the ordinary Assistant Registrars, generally recruited from the ranks of Deputy Magistrates who might be very able and efficient otherwise, but they cannot be expected to be qualified to develop organisations for co-operative sale. If this warning of the Sugar Committee of 1920 and the Linlithgow Commission is not paid any heed to in Bihar, the new project of co-operation in the sale of sugar-cane might ultimately suffer the same fate as that of our present credit societies. It would be disastrous for the agricultural development of Bihar as the failure in connection with the marketing of sugar-cane would seal the fate of all developments of co-operative marketing of any other agricultural produce. It is for these reasons that I want this amendment to be made.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in sub-clause (3) of clause 3 of the Bill, the following be added at the end: preference being always given to the growers of the sugar-cane'."

Dr. Ziauddin Ahmad: My friend, Mr. Shafee Daoodi, has drawn attention to a very important point, i.e., the possibility of misuse in the working of this Act. That misuse is that the owner of a factory may employ his own servant or his relative as an agent to purchase sugar-cane. This servant or relative may go long distances and purchase cane at three annas and four annas per maund.

Mr. President (The Honourable Sir Shanmukham Chetty): The Agent must be licensed under the clause.

Dr. Ziauddin Ahmad: That may be so, but I want to point out a possible danger. We ought to see that the benefit actually goes to the sugar-cane grower and not to the middleman, because the middleman may indirectly be the manufacturer himself, and the very purpose of this Bill will be frustrated.

There is another danger which I should like to point out. Perhaps my friends on the Treasury Benches may not know it fully. In purchasing articles in this country, we have to see first what is the meaning of a hundred. A hundred does not always mean twenty times five. It might mean thirty times five. When you purchase mangoes, you have first to see how many *panjas* there are in one hundred. Very often I have purchased for one hundred, thirty times five, each group consisting of five. Similarly in the case of one maund: what is the meaning of one maund? Does it consist of ten *pansaris* (a *pansari* means five seers), or eight times five seers, or ten times five seers? I have seen some of these zamindars, while purchasing from their tenants, paying the price not in maunds, but by counting it ten times five seers. There is thus a danger that the weighing may not be properly made at the factory, but in this fictitious manner that is prevalent in this country. This is another warning of one way in which the very purpose of this Bill may be frustrated.

Mr. M. Maswood Ahmad: Sir, I agree with the argument of my Honourable friend, Dr. Ziauddin Ahmad, but I am sorry I could not understand the meaning of this amendment. The amendment is to secure "preference being always given to the growers of the sugar-cane". Sir, is it workable? How can it be worked? When my Honourable friend, Mr. Shafee Daoodi, said that the factory owners could purchase either from the sugar-cane grower or from the licensed agent, it is not possible for the factory owners to go to the villager and purchase their sugar-cane from the growers. How can those, who require about thirteen or fourteen thousand maunds of sugar-cane daily, go to villages in order to give preference to these sugar-cane growers? It is an absolutely unworkable and absurd scheme. Further, the proposed provision wants to secure preference being always given to the growers of the sugar-cane, but there is no power given in the Bill to punish breach of this. Then, how can you enforce it? It remains a merely pious hope. (Hear, hear.) Then, some Members have shown that there is a danger that the full price may not be paid to the growers, but if the full price will not be given to the growers by the licensed persons, there is already a clause here that they will be fined, and that is enough. I think it is better from the Honourable Member's purposes to have an organisation in the villages to watch whether the licensed agents are or are not giving these prices to the sugar-cane growers. Sir, I think this scheme is quite unworkable, and it will remain but a pious hope. If it is sought to be really enforced, then I think it would be better to close all the factories in India if you were really to compel factory-owners to go to villages to purchase these things. These are the practical troubles and I oppose this amendment.

Mr. G. S. Bajpai: Sir, I am happily in agreement for once with my Honourable friend, Mr. Maswood Ahmad. I entirely agree with him that

[Mr. G. S. Bajpai.]

in so far as the mischief aimed at is the employment of contractors, that is going to be met by the provision for the licensing of the contractor, and as to the proposed provision for "preference being always given to the growers of the sugar-cane", that, as my Honourable friend has pointed out, is merely a counsel of perfection. It binds nobody and it helps nobody. I do hope, my Honourable friend will withdraw his amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in sub-clause (3) of clause 3 of the Bill, the following be added at the end: 'preference being always given to the growers of the sugar-cane'."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 4 stand part of the Bill."

Mr. G. Morgan: Sir, with your permission, I should like to alter the words "one month" to the words "thirty days" in my amendment. Sir, I move:

"That in clause 4 of the Bill, for the words 'fourteen days' the words 'thirty days' be substituted."

Sir, examining this clause 4, I think Honourable Members will see that it will be very difficult for objections to be received and for them to come back to the Government within any date which they may specify, to give satisfactory results. We do not think that fourteen days before the issue of any notification is sufficient time for people to study and propose modifications in the draft rules. We think thirty days is the minimum period for this purpose. There should be not less than thirty days before the issue of any such notification. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in clause 4 of the Bill, for the words 'fourteen days' the words 'thirty days' be substituted."

Lala Hariraj Swarup: Sir, I rise to support the motion, because fourteen days' time is rather insufficient for anyone concerned to express his opinions upon some of the important provisions contained in clause 3: and, therefore, I hope that the Honourable the Government Member will accept this amendment.

Mr. G. S. Bajpai: Sir, I accept the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 4 of the Bill, for the words 'fourteen days' the words 'thirty days' be substituted."

The motion was adopted.

Mr., President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 5 stand part of the Bill."

Mr. G. Morgan: Sir, I beg to move:

"That in clause 5 of the Bill, the words 'in that area' be omitted."

This is the penal clause referring to clause 3 and as the words "in that area" have been omitted from those two sub-clauses, this is a consequential amendment. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 5 of the Bill, the words 'in that area' be omitted."

The motion was adopted.

Mr. F. E. James (Madras: European): Sir, I beg to move:

"That in clause 5 of the Bill, for the words 'in the case of the first conviction for the offence, to one thousand rupees, or, in the case of a second or subsequent conviction for the offence, to three thousand rupees' the words 'to two thousand rupees' be substituted."

This is merely to bring this penal clause into line with the penal clause in the Sugar (Excise Duty) Bill, and I hope the Honourable Member will see his way to accepting this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in clause 5 of the Bill, for the words 'in the case of the first conviction for the offence, to one thousand rupees, or, in the case of a second or subsequent conviction for the offence, to three thousand rupees' the words 'to two thousand rupees' be substituted."

Mr. G. S. Bajpai: Sir, I have no objection to it.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 5 of the Bill, for the words 'in the case of the first conviction for the offence, to one thousand rupees, or, in the case of a second or subsequent conviction for the offence, to three thousand rupees' the words 'to two thousand rupees' be substituted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 5, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

Clause 6 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 7 stand part of the Bill."

Mr. M. Maswood Ahmad: Sir, I wish to move amendment No. 29, which runs thus:

"That for sub-clause (1) of clause 7 of the Bill, the following be substituted:

(1) The Local Government, after previous publication and with the sanction of the Governor General-in-Council, may, by notification in the local official Gazette, make rules for the purpose of carrying into effect the objects of this Act."

I have added the words "after previous publication and with the sanction of the Governor General-in-Council". I have already mentioned the reason for this change when I moved my amendment regarding control. I think the addition of these words is necessary, and, therefore, I have moved this amendment.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That for sub-clause (1) of clause 7 of the Bill, the following be substituted:

(1) The Local Government, after previous publication and with the sanction of the Governor General-in-Council, may, by notification in the local official Gazette, make rules for the purpose of carrying into effect the objects of this Act."

Mr. G. S. Bajpai: I am quite prepared to accept the amendment, but, as in the other case, I think the words should come before the words "The Local Government" and not as suggested by the Honourable Member.

Mr. M. Maswood Ahmad: I have no objection to it.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, I have got an objection in accepting this amendment. I do not see why the previous sanction of the Governor General-in-Council should be required by the Local Government for all these rules which they can make. My friend says:

"The Local Government, after previous publication and with the sanction of the Governor General in Council may, by notification in the local official Gazette, make rules . . ."

Now, what are the rules? Sub-clause 2 (a) says:

"the carrying out of inquiries preliminary to the exercise of the powers conferred by section."

In this case, the Local Government should come first to the Governor General-in-Council, and can frame this rule only after this permission has been obtained. Then, sub-clause 2 (b) says:

"establishing Advisory Committees for any purpose connected with the administration of this Act and defining the powers, functions and procedure of such Committees."

Why should the Local Government come to my Honourable friend for rules with reference to the establishment of Advisory Committees? And what power does he think the Governor General can give to the Local Government for a purpose like that. Then, mark the third item:

"the issue of licences to purchasing agents, the fees for such licences, and regulation of the purchase and sale of sugar-cane by and to such agents."

Why should the Local Government come to you and ask for the conditions under which these licences should be issued? Then comes the fourth:

"the organisation of growers of sugar-cane into societies for the sale of sugar-cane to factories."

The Co-operative Department is entirely a transferred subject and is practically under the control of the Local Government. Why do you want the Local Government to come up to the Governor General-in-Council and take his permission before they can make rules.

Then, sub-clause 2 (c) says:

"the authorities by which any functions under this Act or the rules made thereunder are to be performed."

If the Local Government authorise a particular Revenue Divisional

3 P.M.

Officer to perform the functions under that sub-clause, is the Governor General-in-Council going to say: "No, it ought to be a Tahsildar or some other smaller authority". I have grave objections to this amendment, and I do not think that the Local Government should be put in the position of being called upon to come to the Governor General-in-Council for his sanction with reference to the various rules to be framed under these sub-clauses.

Mr. Gaya Prasad Singh: Sir, I want to put in a word in reply to the objections raised by my Honourable friend, Diwan Bahadur Ramaswami Mudaliar. The Local Government, of course, must have full power to deal with the situation arising in their own territories, but the rules which are to be framed should be of a uniform character.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): Why should they be uniform?

Mr. Gaya Prasad Singh: The rules must be fairly uniform for all the Provinces, having regard to the circumstances of the condition of the industry in particular areas. I shall go further and answer some of the points raised by the Diwan Bahadur. He says: "Why should the Government of India be approached in the matter of carrying out of inquiries preliminary to the exercise of the powers conferred by section 3"? There might be one sort of inquiry by one Local Government and another sort of inquiry might be conducted by another Local Government. What I want is that the sort of inquiry which may be instituted must be of a fairly uniform character. The result may be different, but the sort of inquiry which should be conducted by Local Governments must be based on some uniform principle. The same sort of agency must be employed for carrying out the inquiry in all the territories of the different Local Governments. The second sub-clause deals with Advisory Committees. The Advisory Committees must be constituted of the same class of persons in every Local Government. For instance, one Local Government might demand very high degrees of qualifications from persons who are going to sit on an Advisory Committee, while another Local Government might not require the same sort of qualifications for persons who are to be appointed to the Local Advisory Committee. Similarly, in the case of the issue of licences to purchasing agents, one Local Government can charge a very exorbitant amount of fee and another Local Government may not be disposed to do so. Therefore, in order to bring all the Local Governments in touch with another, the Central Government must be a sort of co-ordinating authority for that purpose, so that every part of the organisation in different Provinces contemplated by the Bill may be put in touch with one another. I do not know whether there is any machinery at the present moment for bringing together all the Local Governments into close touch with each other, so far as this particular matter is concerned. If the Local Governments refer such cases to the Government of India, they can send specimen copies of the draft rules to every other Local Government in order that they may find out which set of rules is better, so that the whole organisation may work together. Of course, local conditions differ. There might be different prices for different local areas. This will not prevent the Local Governments from fixing different prices for their own sugar-cane. Sir, in order to bring to the attention of every Local Government what set of rules there are, and what considerations have actuated the various Local Governments to bring those particular rules into operation, a reference to the Government of India would be desirable, and I do not think that the Government of India in that case will be so unreasonable as to needlessly meddle with the discretion of the Local Governments. I am in favour of this amendment simply because it will bring all the Local Governments in touch with each other and thereby they will be conversant with the state of affairs obtaining in the territories of the neighbouring Local Governments. Therefore, my submission is that rules on some uniform basis ought to be prescribed for the welfare of the cane-growers and the agriculturists in the respective territories in which this Bill is going to have operation.

Mr. S. C. Mitra: Sir, I regret that I cannot agree with my friend, Mr. Gaya Prasad Singh. Similarity and symmetry of rules are not always a virtue. In this Bill the main purpose is to delegate powers to the Local Governments in all vital issues, so that they may work independently

and autonomously in a subject which is a transferred subject. In different localities, there may be a different set of circumstances of which the Local Government are the best judge. Take, for instance, clause 7 (2) (b) in which the establishment of Advisory Committee is contemplated. The constitution may be different in different Provinces. In some Provinces, there are well organised co-operative societies. In some Provinces, there are Irrigation Departments. Other Provinces may lack all these organisations. Some Local Governments may like to give large powers to these Advisory Committees, whereas it may not be advisable in other Local Governments to do so. Why should we uselessly insist on the similarity of rules? Had this been possible or had it been desirable, all these rules could be made by the Government of India themselves for all the Provinces. The very fact that the Government of India see the wisdom of leaving all these details to the Provinces shows that the uniformity of rules is not so much necessary as to look to the special circumstances of each particular case. On these grounds, I think that in these days when we are thinking more of autonomy in the Provinces, the interference of the Government of India in a matter which is a transferred subject should not be pressed, and it should be left to the discretion of the Local Governments to make their rules without any previous sanction or approval of the Government of India.

Mr. F. E. James: Sir, I hope that Government will accept this amendment. I would like to remind my Honourable friend, Mr. Mitra, that this amendment does not result in insisting upon similarity or uniformity in all the Provinces. All it ensures is, first, there must be previous publication and the draft rules should be sent up to the Government of India before actually being put into effect. Now, Sir, there are cases where it would be extremely undesirable to have different methods followed in different Provinces. Allowing for variation according to local conditions, I am quite sure that the Government of India are not so stupid as not to allow for variations. On the other hand, there is the greatest possible need for co-ordination in the methods employed by the Local Governments to deal with particular matters. Therefore, I do not think that it is in any way unduly fettering the discretion of the Local Governments, while it is undoubtedly ensuring that there shall be a machinery for co-ordination and co-operation between the Governments concerned. I hope the Honourable Member will see his way to accept this amendment.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, after allowing the amendment in sub-clause (2) of clause 3, wherein the words "subject to the control of the Governor General-in-Council" are to be passed, it is quite logical that we should give such power to the Governor General-in-Council here in clause 7 also. Under sub-clause (2) of clause 3, the Local Government may, by notification in the local Gazette, fix a minimum price or minimum prices, etc., and this shall be subject to the control of the Governor General-in-Council. The House has agreed to that amendment to the effect that this should be done with the consent of the Governor General-in-Council. Having given that power, it stands to reason that, under this clause 7 also, such ultimate power should be in the hands of the Governor General-in-Council, because here also the Local Government have to make rules for the carrying out of enquiries preliminary to the exercise of the powers conferred by section 3. So, Sir, this clause has a direct bearing on clause 3 which I have just now read out. At least for the sake of uniformity, this amendment should be adopted.

Maulvi Muhammad Shafee Daoodi: Sir, it seems to me that if in matters, which are related in sub-clause (c) of clause 7 (2), the hands of the Local Governments are tied up in the manner proposed by this amendment, it will act as a great handicap. It appears to me that in those matters which are enumerated here in so many clauses, the Local Governments should be free to do as they think proper in the interests of all concerned, and in the peculiar conditions in which they find their Provinces. No doubt sub-clause (2) of clause 3 was a matter of great importance, because it related to the question of fixing minimum price and the ultimate power to control in regard to the fixing of minimum price may rest in the hands of the Governor General-in-Council, but where the Local Governments have got to carry out small matters for the purpose of giving effect to the objects of this Act, they should not be handicapped in that manner. The House knows that I have not in such matters very great regard for the Local Government of Bihar, still I find that a provision of this nature, as suggested in the amendment, will act as a great handicap to the Local Government's activities. I, therefore, submit that this amendment should not be allowed.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, I oppose this amendment. If the rules are to be uniform and if the proposals to meet the varying conditions prevailing in all parts of the country have to be co-ordinated, then the best thing is to allow the Governor General-in-Council to frame the rules. The very reason why the right of making rules is delegated to the Provincial Governments is that the Government of India are aware that the conditions in the different Provinces are varying, and, therefore, the Government of India think that the best thing is to leave this power of making rules to the Local Governments. If the House thinks that it is not proper and that the best way to serve the purpose of the Bill is to have a uniform set of rules, then we might amend this clause and say that, in consultation with the Local Governments, the Governor General-in-Council may frame the rules. So long as that is not the object, the best thing is to give absolute freedom to Local Governments.

Mr. G. S. Bajpai: Sir, I greatly appreciate the solicitude of my Honourable friend, Diwan Bahadur Mudaliar, for the autonomy of Provincial Governments, and I hope he will give me and the Government of India credit for having respected that autonomy in that in the Bill which we introduced, there was no suggestion whatsoever that we should exercise any powers of control in the matter of framing rules over the Local Governments. But, I think, Sir, my Honourable friend was present in the House this morning when amongst others, the Leader of his own Party suggested that a certain amount of power and control shall vest in the Governor General-in-Council and, if, at an earlier stage, in the discussion of these amendments, I expressed my willingness on behalf of Government to accept the amendment, it was because I thought that we would be meeting the wishes of Non-Official Members of this House. That, Sir, is the broad position.

Now, as regards the merits, I think that my Honourable friend, Diwan Bahadur Mudaliar, has been anxious more to score dialectical points than to state the case fairly when he said: In regard to this particular matter, why should a Local Government claim your sanction, or, in

regard to that particular matter, why should a Local Government claim your sanction? I presume that the intention of Honourable Members, who have suggested that this power should be given to the Governor General-in-Council, is that in regard to such particular matters, as, for example, the principles upon which Advisory Committees shall be constituted, or, shall we say, the measure of representation that shall be given to the different interests, the Governor General-in-Council shall be able to secure a certain measure of co-ordination. Well, Sir, I am not arguing for that particular position, I am merely stating that that evidently is the intention of Honourable Members who have moved this amendment. I can certainly, from my experience, not only of this matter, but other matters where rules have to be submitted to the Governor General-in-Council, say that it is only that kind of general control which the Governor General-in-Council is likely to exercise. But I make it perfectly clear that if the Non-Official Members of this House do not, by a majority, wish that this particular power be given to the Governor General-in-Council, we certainly are not going to insist that it be forced upon us.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That for sub-clause (1) of clause 7 of the Bill, the following be substituted :

“(1) After previous publication and with the sanction of the Governor General in Council, the Local Government may, by notification in the local official Gazette, make rules for the purpose of carrying into effect the objects of this Act.”

The Assembly divided:

AYES—18.

Hari Raj Swarup, Lala.
Hudson, Sir Leslie.
Ismail Khan, Haji Chaudhury
Muhammad.
James, Mr. F. E.
Jog, Mr. S. G.
Lindsay, Sir Darcy.
Mahapatra, Mr. Sitakanta.
Maswood Ahmad, Mr. M.
Morgan, Mr. G.

Muazzam Sahib Bahadur, Mr.
Muhammad.
Parma Nand, Bhai.
Reddi, Mr. P. G.
Reddi, Mr. T. N. Ramakrishna.
Roy, Rai Bahadur Sukhraj.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Wajihuddin, Khan Bahadur Haji.
Ziauddin Ahmad, Dr.

NOES—25.

Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Azhar Ali, Mr. Muhammad.
Bhuput Sing, Mr.
Das, Mr. B.
DeSouza, Dr. F. X.
Fazal Haq Piracha, Khan Sahib
Shaikh.
Ismail Ali Khan, Kunwar Hajee.
Jadhav, Mr. B. V.
Lahiri Chaudhary, Mr. D. K.
Liladhar Chaudhury, Seth.

Mitra, Mr. S. C.
Mudaliar, Diwan Bahadur A.
Ramaswami.
Mujumdar, Sardar G. N.
Pandit, Rao Bahadur S. R.
Patil, Rao Bahadur B. L.
Rajah, Rao Bahadur M. C.
Ranga Iyer, Mr. C. S.
Rastogi, Mr. Badri Lal.
Shafee Daoodi, Maulvi Muhammad.
Sitaramaraju, Mr. B.
Thampian, Mr. K. P.
Wilayatullah, Khan Bahadur H. M.
Yakub, Sir Muhammad.

The motion was negatived.

Mr. F. E. James: Sir, I beg to move:

"That for sub-clause (3) of clause 7 of the Bill, the following be substituted :
'(3) In making any rule under sub-section (1) or under clause (c) or clause (f) of sub-section (2), the Local Government may provide that a breach of the rule shall, where no other penalty is provided by this Act, be punishable with fine not exceeding two thousand rupees.' "

This clause merely repeats the penal clause contained in the Sugar (Excise Duty) Bill and puts it on the same basis. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That for sub-clause (3) of clause 7 of the Bill, the following be substituted :
'(3) In making any rule under sub-section (1) or under clause (c) or clause (f) of sub-section (2), the Local Government may provide that a breach of the rule shall, where no other penalty is provided by this Act, be punishable with fine not exceeding two thousand rupees.' "

Mr. G. S. Bajpai: Sir, I am prepared to accept this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That for sub-clause (3) of clause 7 of the Bill, the following be substituted :
'(3) In making any rule under sub-section (1) or under clause (c) or clause (f) of sub-section (2), the Local Government may provide that a breach of the rule shall, where no other penalty is provided by this Act, be punishable with fine not exceeding two thousand rupees.' "

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 8 stand part of the Bill."

Mr. M. Maswood Ahmad: Sir, I beg to move:

"That in clause 8 of the Bill, after the word 'Council' the words 'after previous publication' be inserted."

I think, Sir, these words are very necessary in this clause and are wanted. I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That in clause 8 of the Bill, after the word 'Council' the words 'after previous publication' be inserted."

Mr. G. S. Bajpal: Sir, the House has just now by its vote decided that a Local Government may frame rules without previous publication, and now it is being proposed that the Governor General-in-Council may frame rules after publication. It seems to me that there is a certain amount of inconsistency in this, but for my part I have no objection one way or the other.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 8 of the Bill, after the word 'Council' the words 'after previous publication' be inserted."

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 1 stand part of the Bill."

Lala Hari Raj Swarup: Sir, I beg to move:

"That sub-clause (3) of clause 1 of the Bill be omitted."

The sub-clause reads as follows:

"This section shall come into force at once; the remaining sections of this Act shall come into force in any province on such date as the Local Government may, by notification in the local official Gazette, appoint in that behalf."

In order to obtain uniformity, it is absolutely essential that this should apply at once to all Provinces; the Provincial Governments will have option under the rules to vary their formulae and their prices according to the varying circumstances of each Province. This Bill is said to be consequential on the Excise Bill and the Excise Bill is an all-India measure, and, therefore, this price fixing Bill should apply at once to all the Provinces where sugar is produced and the formulae may differ and the rate of prices may differ from Province to Province; and so it will not inflict any hardship on any particular Province and then it will solve another difficulty, that in adjacent Provinces there will be fixing of prices simultaneously; otherwise, one Province may fix prices and the other may not fix prices, and there will be this difference between various Provinces which will not lead to the smooth working of the Bill. Therefore, in order to achieve the object, I think the Government will be pleased to accept this amendment.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendment moved:

"That sub-clause (3) of clause 1 of the Bill be omitted."

Mr. G. S. Bajpai: Sir, I made it clear in the course of my observations this morning that we did not propose to assume control in this matter and that we wanted to leave it to each Local Government to apply the relevant provisions of the Act according to local requirements, and that is our position even now. I would only like to point out to my Honourable friend that he does not seem to have correctly studied the wording of clause 3, because, in each one of its sub-clauses, the word "may" is used—"The Local Government may, by notification, etc., etc." So that, this particular motion is not going to help him either. Sir, I oppose.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That sub-clause (3) of clause 1 of the Bill be omitted."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That clause 1 stand part of the Bill."

The motion was adopted.

Clause 1 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Title and the Preamble stand part of the Bill."

Mr. G. Morgan: In view, Sir, of the Honourable Member, Mr. Bajpai's speech this morning, I do not want to move my amendment.*

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

Mr. G. S. Bajpai: Sir, I beg to move:

"That the Bill, as amended, be passed."

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill, as amended, be passed."

Mr. T. N. Ramakrishna Reddi: Sir, I must first thank the Government for introducing this Bill and getting it through this House without much difficulty. It is a Bill which confers a boon on the agriculturist. It is not necessary for one like myself, who represents the agriculturist, to sing the praises of this Bill. We are glad to find that the capitalists as well as the

*"That in the Preamble to the Bill, the words 'for the purpose of assuring to sugar-cane growers a fair price for their produce' be omitted."

manufacturers and factory owners and all other interests in this House have approved of this Bill, and that shows that all of them have got the interests of the agriculturists at heart. I must also congratulate my Honourable friend. Mr. Bajpai, on the skilful way in which he has piloted this Bill and the accommodating spirit which he has shown (Hear, hear) towards the amendments moved on this side of the House.

I would only refer to two points in this Bill. There has been much controversy with regard to the fact whether we should give complete power to the Local Governments in fixing the prices or in framing the rules, or whether we should retain the control in the hands of the Governor General-in-Council. If I have approved or asserted the proposition that the Governor General-in-Council should have some control over these things, it is not in any way depreciating to or casting reflection on the Local Governments. Far be it from me to do that. But my intention in giving this ultimate control into the hands of the Governor General is to bring about a certain amount of uniformity in the matter of fixing the prices or in the matter of framing rules instead of leaving those powers to the Local Governments entirely. I am sure that the Government of India will not interfere lightly with the discretion of the Local Governments, but in some cases Local Governments may have to yield to the clamour of powerful interests in those Presidencies, and it is only to set right those instances that the Government of India should have that control. As a matter of fact, I wanted to move an amendment that the Government of India should fix the minimum price for cane without leaving that discretion to the Local Governments and then allow discretion to the Local Governments to fix a minimum higher, if the circumstances justified it, than the minimum price fixed by the Government of India. My difficulty is this: suppose the Government of India fix the minimum price of cane at five annas, it should be left to the discretion of the Local Government either to keep it at five annas or to make it something higher—six or seven annas—according to local needs, rather than reducing it to four annas, lower than the price fixed by the Government of India. My reason is this: in a particular Province, the interests of the factory owners might be very powerful and they would like the price of cane to be fixed lower, so that they may get some profit, and the Minister, being a popular Minister, might yield to that pressure and they may fix a lower price for cane in that Province; whereas, in another Province, which is more favourable to the interests of the agriculturists, they might fix the price at a very high rate which cannot be profitable for the factory owners to purchase. So, in order to set right such inequalities, it is good that the Government of India should have the ultimate control in their hands, and I am glad to find that this amendment of my friend, Mr. Maswood Ahmad, has been accepted by the Honourable Mr. Bajpai. My fears are not groundless. They are based on certain facts. In the last Sugar Conference that was held in Simla, one Minister of a Local Government had brought forward this insidious suggestion that the factories should not be erected hereafter, and that Government should pass a law limiting the number of factories to be started to the existing number, because there were already many factories established in Bihar and the United Provinces, and they did not like that other Provinces should start and develop this industry.

An Honourable Member: Who says that?

Mr. T. N. Ramakrishna Reddi: I shall read out a passage from this book.—M. P. Gandhi's book. This is what is stated at page 84:

"The representatives from Madras, Bombay, Punjab, Mysore and Hyderabad felt that their Provinces were yet lagging behind in the development of the industry, while United Provinces and Bihar had forged ahead, and they could not accept the Resolution moved by the Honourable Khan Bahadur Saiyid Muhammad Hussain, Minister in charge of Education and Development Departments."

Now, this seems to suggest that there should be no more additions to the existing number of factories. Such suggestions might come from these Provincial Governments. It may be that the pressure of the factory owners might be so great that some of the Local Governments might have to yield to the influence of such powerful interests. Therefore, I want that the Government of India should retain some control in their hands.

Another point which I would like to press on the attention of the Government is this. It is not enough if you merely fix the price of the cane and help the agriculturists. Government should also see that improved variety of cane is cultivated to a larger and larger extent. In this particular instance, Sir, I have again a grievance as against the United Provinces and Bihar. Though the Madras Presidency has got the Coimbatore Agricultural Research Institute in its jurisdiction, they are making experiments to find out the proper cane for sub-tropical zones like U. P. and Bihar and not for the Presidency in which the Institution exists. Now, what has that led to? We see that in Bihar and Orissa and the United Provinces, more and more acres under improved varieties of cane are coming under cultivation year after year, while in Madras, Bombay and other Provinces, conditions have remained the same. I will just quote from page 52 of this book, the Indian Sugar Industry by Mr. Gandhi, to show the area under cultivation by these improved varieties in the different Provinces.

Province.	1929-30.	1930-31.	1931-32.	1932-33.
United Provinces	281	514	678	1,087
Punjab	79	70	120	172
Bihar and Orissa	81	70	189	236
Bengal	74	100	100	100
Madras	22	10	26	52

Bombay is much worse, it has only 6,000 acres under improved cultivation. We find that the yield from the ordinary variety of cane per acre will be only about 15 to 20 tons, while the yield under improved varieties will be from 35 to 50 tons. Therefore, it is not enough if Government merely fix the price of the cane. It is doubtful even after fixing the price of the cane whether the cultivator will get the full benefit of it, but it is a fact that if he cultivates his land under improved methods of cultivation, he will certainly get more tons of cane per acre. Therefore, I would request the Government to take the earliest possible steps to see that the whole area is brought under improved varieties of cane, and, if necessary, they should also bring pressure to bear on the Local Governments and carry on a vigorous propaganda from one end of the country to the other in favour of this improved variety of canes.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I am glad to say a few words on this third reading of this Bill, because my own Province of the United Provinces has given a lead in this industry to other Provinces

An Honourable Member: Under the inspiration of?

Mr. Muhammad Azhar Ali: It may be under the inspiration of Coimbatore, it may be under the inspiration of Bengal or of any other Province, but today, I say, we in the United Provinces occupy the front rank in this industry so far as the factory system is concerned

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

My friends in the Assembly today seem to be very jubilant on passing this measure, because it is not an obnoxious measure. I would not say the same about other Bills which have been passed by the House in this Session, but I can also certainly say that this Bill is not at all obnoxious. On the other hand, it is a beneficial measure, it is beneficial to our own interest, it is beneficial to our industrialists, and it is beneficial to our cultivators too. Therefore, it is not only that under this Bill our commerce will flourish, but the entire sugar industry will flourish, and we are really glad that Government have brought forward this measure today

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): That will do.

Mr. Muhammad Azhar Ali: My friend says, that will do, but perhaps he will not be happy if he listens to what I say in a few minutes.

An Honourable Member: What is that?

Mr. Muhammad Azhar Ali: Just have a little patience.

Sir, the enactments that we have passed this Session in the Assembly, it is said, do not redound to the credit of this House, and, therefore, the whole country is clamouring that this Assembly should be dissolved, because we have loaded the whole body of Indian population with taxes and taxes. Now, if we consider the cumulative effect of all those taxes, perhaps my friend, Sir Muhammad Yakub, will not praise me now. The cumulative effect of all those taxes has been that we are being crushed by taxation, and the only silver lining in the darkness that we see today is this Bill which has been brought forward by Government. It is in the interests of the agriculturists, it is in the interests of the industrialists, and the principles enunciated in the Bill are very well considered. From the Statement of Objects and Reasons we find that after proper publication of its proposals and due consideration of the objections received, the Local Government should declare controlled areas within which purchase of cane by factories shall be limited to growers of cane or licensed persons and societies at fixed prices. These words "after due consideration", "after publication", and so forth—these are really things which the public in

[Mr. Muhammad Azhar Ali.]

India always appreciate when they come from the Treasury Benches. Now, through the scheme is on principle right, but my contention is that I have doubts whether the scheme will really work to the advantage of the agriculturist. We have provided in the Bill that there will be another middleman in this sugar-cane business. So far the agriculturists approached the factory people or the factory people approached them, but now we provide a licensee which is another middleman who comes into this business. In some quarters, it may be said that this middleman business will succeed, but I am doubtful whether the profit which the poor cultivator used to make by direct access to the factory people or by the factory people directly approaching him, would remain the same hereafter. However, I hope that the Government, when they make rules and also afterwards when the Local Government depute their officers to work this Act, they will see that rules are made and worked in the interests of the cultivators. I appreciate that sales and purchases will be done through co-operative societies. But the condition of co-operation at present in India is really going down and down. It is discouraging in every Province. There is not the same glamour for co-operation as there was before. In my own Province especially, this subject is in the hands of one who is not really the philosopher, guide or expert in co-operation. Unless there is a Registrar of Co-operative Societies who is an expert on co-operation and who has full charge of the subject without having any other business in his hands, there is no chance of this co-operative sale and purchase succeeding. The head is a very hard worked official, having two large departments in his hands, such as, co-operation and industries. It may be argued that if he has got industries also, he will be able to manage it better. But my own experience of this co-operation dates from 1907, and I have worked on one of the Government of India Committees on Co-operation and also on my own Provincial Committee, etc. My opinion since then is that unless and until the Co-operative Department is put under one head, without his having any other Department under him, it is impossible to work co-operation thoroughly and successfully and to the benefit of the agriculturists. This question of sale and purchase of sugar-cane is not such an easy thing that every man in the street will be able to do it, and I am doubtful if the licensee will help the cultivators. It would indeed be much better to have it done through the landholder himself rather than have separate licensees or contractors. With these words, I support the motion.

Mr. N. R. Gunjal* (Bombay Central Division: Non-Muhammadian Rural): Sir, I also offer a few remarks on the Sugar-cane Bill brought forward by the Honourable Mr. Bajpai. The money spent in this respect by Government has all been expended in the Punjab and United Provinces, but Government have utterly neglected my Province, i.e., Bombay. In Bombay, the irrigation rules are very oppressive and water rates also are excessive. Government thought to reduce them by one-half. I tried to move Resolutions in the Bombay Council and also in the Assembly; but it is a pity that nobody took any serious notice of them. If Government will take greater care of the Bombay sugar-cane, and if water rates are reduced, the sugar-cane industry will flourish in Bombay. I hope the Honourable Member will consider my suggestions.

*Translation of the speech delivered in the vernacular.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): I support this Bill, but I am doing so, I admit, actuated by very mixed considerations. I welcome this measure as an indication of "the change of heart" of the Government of India on which many Honourable Members dilated before me.

An Honourable Member: Have they a heart?

Mr. N. N. Anklesaria: That they have a heart is now proved by this Bill. I welcome this measure, because it shows that the still small voice of the agriculturist is at last being heard in the Government of India. On the other hand, I humbly venture to think that it is a Bill which embodies an economic heresy of the very worst type. That economic heresy claims that the inexorable law of nature, the law of supply and demand could be countered by a man-made law for fixing prices as embodied in this Bill. I would challenge the Honourable Member in charge to point out throughout the history of mankind any one instance in which legislation like the present has succeeded.

An Honourable Member: The Rooseveltian administration.

Mr. N. N. Anklesaria: A measure like this will never succeed. The whole Rooseveltian Experiment and the Soviet Experiment is a complete vindication of the law of supply and demand which I have just stated. I think Honourable Members, who have got any personal experience in matters such as those dealt with by this Bill, will bear me out that such experiments are bound to be failures. I am speaking from personal experience. During the War time, as President of a Municipality, I had something to do with fixing prices of kerosene oil and rice, the two commodities which were rather scarce in our district at the time, and I found that the experiment was a hopeless failure. I venture to predict that this measure will be a failure and will do no good to any one. My idea is that it will corrupt the administration, corrupt industrialists and corrupt agriculturists. It will do good to nobody. It has, however, found support among Honourable Members on my right and left. It satisfies public sentiment, and *Vox populi, Vox Dei*. I, therefore, support it, though against my better judgment.

Mr. B. Das (Orissa Division: Non-Muhammadan): The late Mr. Asquith, afterwards Lord Asquith, followed the well-known dictum which the Government of India have since adopted. That policy was "wait and see" and in matters designed to benefit the masses they have always followed the policy of "wait and see". When a cry is made from a group of industrialists to devise a measure of protection, the Commerce Member gives measure of protection haltingly and the Finance Member sees more money coming to his pocket to meet the deficit. The Finance Member has drawn 30 to 40 crores of rupees since 1924 under schemes of protection from which not a penny has gone to help the manufacturer or the consumer, the producer or the agriculturist. In 1932, when the Sugar (Protection) Bill was being discussed, we all stressed that the Government of India should adopt a method of licensing, but the Government of India at that time worked on a compartmental basis. The Honourable the Finance Member and the Honourable the Commerce Member and the Member for Education, Health and

[Mr. B. Das.]

Lands worked on a compartmental basis. It took two years for the Secretary of the Education, Health and Lands Department to devise a measure that would satisfy to a certain extent the growing demand of the public that Government should take upon themselves certain power to protect the interests of the agriculturists. My Honourable friend, Mr. Mitra, and I appended a joint minute to the Select Committee's Report on the Sugar Industry (Protection) Bill. That was prophetic, and I, therefore, take the opportunity to read a certain extract from it:

"The Tariff Board in recommending protection for sugar industry emphasized in Chapter IV that the agricultural aspect of the case is the most important and the interests of the cane grower must be adequately protected. Excepting a pious wish, as embodied in new clause 6, whereby factory owners will affix in conspicuous places near the entrances to their factories current prices of sugar-cane, the Bill brings no other comfort to the cane growers. Unless the Local Governments through their officials of the revenue and agricultural Departments make effort that the cane growers get adequate and fair price for their cane, the cultivators' lot would get worse. In areas where there will be no rival sugar factory installed, there is every likelihood of the cane growers being exploited and even getting no profit from the sale of their cane. I would strongly urge that the Central Government, through its organisation, the Imperial Council of Agricultural Research and in conference with the Directors of Agriculture of every Province, should lay down rules and checks whereby factory owners must not start a cut throat system of purchase and thereby ruin the cane growers."

It took two years for the Government to act on the minority report of that Select Committee. There were about 15 members on that Committee. Mr. Bajpai and his Department took steps to convene a Conference of the Directors of Agriculture in the Provinces and then came to devise a Bill which is now going to be passed and which meets to some extent the insistent demand that right minded people in the country put forward with a view to Government exercising certain control, so that cane growers and agriculturists should not be exploited by capitalists and sugar manufacturers. Sir, this Bill, though worded in eight clauses, has only two points in which it may prove beneficial to the grower. One is that Government will fix the minimum price for cane and try to see that the agriculturist get at least that minimum price, and the second point is that which is in clause 7:

"... such rules may provide for—

(d) the organisation of growers of sugar-cane into societies for the sale of sugar-cane to factories."

Sir, it is very easy to legislate by giving expression to pious hopes, but it is very difficult to give effect to the same. Whether this Government or whether the Imperial Agricultural Research Bureau or the Local Governments—they must see that these two important recommendations that are contained in this Bill are given effect to. Sir, I congratulate my friend, Lala Hari Raj Swarup, for that very sympathetic speech which he delivered. He did not exhibit any brando spirit which marked the speech of my Honourable friend, Mr. Mody, when referring to the cotton-growers interests. My Honourable friend, Mr. Hari Raj Swarup, on the other hand, expressed his sympathy with the cane growers, but I recollect that although he quoted a passage from his minute of dissent to the 1932

Sugar Protection Bill, I remember he also then wanted that the price should be fixed for the sugar-cane producer. This is what he then said:

"On a rough thought I feel that the tenant should get half of as many annas as the rupees at which the white sugar is selling, e.g., if white sugar is selling at Rs. 12, the tenant should get six annas per maund of cane,"

and so on, and, knowing, as we know today, that the price of sugar is about Rs. 9-4-0—I am correct, I believe—a maund, my Honourable friend, Lala Hari Raj Swarup, and his friends want to pay four annas and six pies to the sugar-cane grower; and yet the Government, by not shouldering their obligations in 1932, have made the cane-grower suffer much. The whole Tariff Board scheme was designed on the basis of the cane price being fixed at eight annas per maund and we have had instances in which cane has been sold or purchased at two or three annas per maund. This great hardship to the cane-grower would have been avoided if the Government had been wise and taken steps to control the prices of cane in 1932. Sir, we are all thankful for small mercies, but it depends on whether these small mercies will at all flow to those for whom they are intended, in circumstances under which the factory owner has to manage his cane-purchase through the present practice of contractors. There are the Marwari firms, and the contractors are mostly their relations and paid agents, probably they also share in the management, and they generally regulate the price of the cane by telling these villagers that the factory does not demand more cane on a particular day and so the poor villager has to wait sometimes two or three days to dispose of his cane, and for that he pays for the cart which he has hired from his neighbour in the village. So when he sells that cane for two annas or three annas to the factory owner, out of that two annas he pays the cart hire; that means he does not even get the price of his labour, not to think of making a profit! Knowing these conditions, I hope the Honourable Mr. Bajpai will exercise direction, superintendence and control over the Local Governments, so that the cane-grower is not mulcted by factory owners and so that he gets the minimum price.

Sir, I was talking to a friend of mine the other day. He said this Bill would prove innocuous. He is interested in sugar manufacture. He asked me how could the Government fix the minimum price? Suppose a factory does not want to buy any more cane, then the cane will be stacked and lying in the factory compound and at last the poor villager must sell it. and what will happen if the factory owner writes a chit for ten annas a maund, while, in reality, he pays only two annas? Well, these things are happening. All this talk of a minimum price will not go beyond the lobbies here down to the countryside. So, while I congratulate my Honourable friend for having introduced this measure and on having seen it through, still, he should not rest content by going up to Simla and then forgetting the existence of the measure which this House has passed. He must devise means of control, so that the cane-grower does get that minimum price, and he must safeguard the interest of the cane-growers against the machinations of the sugar manufacturer, who in most cases have been proved to be dishonest where it comes to paying an honest price to the cane-grower. Sir, with these few remarks, I support the motion.

Rai Bahadur Lala Brij Kishore (Lucknow Division: Non-Muhammadan Rural): Sir, the object of bringing forward this Bill is to protect the interests of sugar-cane growers. The Government, about two years ago, raised the import duty on sugar to Rs. 9-1-0 per cwt., which worked out to be a duty

[Rai Bahadur Lala Brij Kishore.]

of over two hundred per cent *ad valorem*. The millowners were placed in a position of great advantage by this import duty. Had they shared this advantage between themselves and the sugar-cane growers, the public sympathy would have been with them. But they misunderstood the situation. They thought that the protection was for the benefit of the capitalists and they were entitled to have the maximum advantage.

One of the speakers pointed out on the floor of the House that they were not philanthropic institutions. They wanted to have the maximum profit, but, in doing so, they ignored entirely the fact that this protection was given, not in the interests of capitalists, but in the interests of the sugar-cane production. If the manufacturers do not care for sugar-cane growers, then what right have they to expect any sympathy either from the agriculturists or from consumers? The consumers have levied a heavy burden upon themselves. The tax-payers are giving them donations of eight crores of rupees a year in the hope that the agriculturists must be benefited ultimately. On account of the competition among the sugar-cane growers, the price of the sugar-cane has been very much lowered. The millowners, on paper, pay five annas a maund, but, in reality, they pay much less. They allow the sugar-cane carts to stand at the factory gate for several days, so that the poor cultivators may be forced to sell at any price. It is said very often that the poor cultivators do not get even three annas a maund. It was not better on the part of the Government to pass protective duty and leave conflicting interests of sugar manufacturers to be settled in the natural way. The present Bill ought to have been passed two years ago. The condition of agriculturists in sugar-cane areas would have been slightly improved. I cannot imagine that any one would oppose this measure and the Local Government would fix an economic price of the sugar-cane.

I would also like to support the suggestion made by Dr. Ziauddin Ahmad yesterday that half of the excise duty on sugar should be given to the Provinces. Bengal is getting the benefit of her jute. Madras is getting the benefit of her rice. Bombay is getting the benefit of her cotton by establishing mills. Punjab is getting the benefit of military services, but the United Provinces is not deriving any benefit from the Central taxations. I am, therefore, strongly of opinion that a portion of excise duty should be given to the Provinces and the collection should be made under the supervision and control of the Provincial Governments. The question of fixing the price of cane is a very difficult problem and it is also controversial. Still I shall wholeheartedly accept any proposal that ensures the payment of a fair price for their produce to the cane growers. India is predominantly an agricultural country and we should have the interests of cultivators first and foremost. With these words, I support the Bill.

Maulvi Muhammad Shafee Daoodi: Sir, I wish to say only a few words on this motion. After all, we are about to pass this measure, and let us hope that the efforts of our Honourable friend, Mr. Bajpai, will be successful in the long run. I have to make one observation for which I have now risen, and it is this. I came to learn from the Honourable Mr. Bajpai that he had been to Patna after the earthquake, and that gives

me the clue why the Government of Bihar and Orissa had been so considerate in this matter. I know that it was due to the efforts of Mr. Bajpai and the new Minister, the Honourable Syed Abdul Aziz, who is now in charge of this Department, that the angle of vision of the Bihar Government has absolutely changed in this connection. I hope that the method which my Honourable friend has adopted of conciliating the Local Governments on points on which they seemed to be reluctant is a very wise course to adopt, and if he will follow this course, I am sure, our new Minister, Syed Abdul Aziz, will render all possible help in carrying into effect the operations of this Bill. I hope that this will prove a great achievement of my Honourable friend and it will be a source of prosperity to the tenants and agriculturists of Bihar.

Mr. G. S. Bajpai: Sir, I do not think that anybody in this House now is anxious to prolong this debate, and I would be satisfying most people if I were to make my remarks as brief as possible. I have to express my thanks to all Honourable Members for the friendly spirit in which they have received this measure and for the expedition with which they have passed it. In fact, my only fear as regards the success of this measure is that we are launching on what are admittedly uncharted seas with rather an overweight of expectations. I ventured to point out earlier in the course of the day that it was an experimental measure, and I do hope that our Honourable friends here or those who have taken an interest in the Bill outside will not pitch their expectations too high. I would also like to avail myself of this opportunity to express my appreciation of the speech which was made by Lala Hari Raj Swarup. I think that if the spirit which animated that speech also animates his actual working of this particular measure when it is applied to the United Provinces and also animates other industrialists, then, to a very great extent, the success of this measure is, I feel, assured. My friend, Mr. Gunjal, made a plea on behalf of the Province of Bombay. He seemed to be under the impression that the Government of India have not done much for the improvement of the cultivation of sugar-cane in that Presidency. I am speaking from memory, but I think I am correct in saying that recently the Imperial Council of Agricultural Research have given a grant for the establishment of a Research Institute in the Deccan with a view to evolving new means of improving the cultivation of sugar-cane in that Province. That, I hope, will be of some satisfaction to my Honourable friend. My friend, Mr. Reddi, is not here, otherwise he would have been glad to learn that something similar is contemplated for assisting the Government of Madras, so that they may also be able to go on with improved methods of cultivation of cane. I do not think that it is necessary for me to say very much more at this stage. I am sorry that our melancholy prophet, Mr. Anklesaria, has left the House for some reason or other. I believe he is refreshing himself with tea, his own melancholy having proved too powerful for the moment. I should like to tell him—I hope he will read these remarks in due course—that his ideas of economics are not only mid-Victorian, but something worse. In fact, they are pre-Victorian. I think it was in the September Session of this House that the House approved of a measure which indirectly has the effect of regulating the price of an agricultural commodity, namely, tea, and if now we tackle the problem directly for another commodity, there is no reason why he should predict all kinds of misfortunes for this venture. Sir, once again I thank the House.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

THE MATCHES (EXCISE DUTY) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I move:

"That the Bill to provide for the imposition and collection of an excise duty on matches, as reported by the Select Committee, be taken into consideration."

In the case of this measure, I am glad to be able to say that we reached common ground in the Select Committee. We have arrived at a plan which is not only based on the agreement of the Committee, but which also is assured of the support of practically all those who are engaged in the trade. The latter consideration is of great importance and was indeed the decisive consideration so far as the members of Government were concerned in agreeing to certain modifications in their original proposals. I just want to say a few words in explanation of that.

In this case we are dealing with a trade which is concerned with handling stupendous quantities of a low priced article which it is essential, unless demand is to be very seriously curtailed, to get into the hands of the retail purchaser in the bazaar at a fixed price. There are a mass of small retail traders concerned, all working on a narrow margin. At the same time, the introduction of the excise with the concomitant result of introducing a system of banderols on boxes will cause for a time a considerable dislocation in the trade, and for the smooth accomplishment of this very substantial change, we must rely on the co-operation of the whole body of manufacturers. So, it is worth a very great deal in these circumstances to have a plan which commands general acceptance. I myself made it clear in the Select Committee that in my own opinion the most highly organised group of factories—and I refer to the Swedish Match companies group—could probably have borne a slightly higher rate of duty, but thought it was doubtful whether this would have been the case with the great bulk of the Indian factories. I believe that this was the general conclusion of the Committee and we did not wish to take the risk of giving too great a shock to the trade at the outset. But we do not regard the present measure as the last word on the subject. We have got to watch the position, and my own view is that eventually the consumption of matches will be able to yield to Government considerably more revenue than will be obtained from our present proposals. I might say I myself have a fairly clear idea as to the policy that we should pursue in this matter and I propose to leave on record my own ideas on this subject when I lay down my office. The consumption of matches in most countries has now become a very important source of revenue. I believe that India can follow the example of other countries in this matter, and that it may prove to be a feature of increasing importance in the revenues of the Central Budget as time goes on. If we are to emulate the example of other countries in the matter of raising revenue, we must also profit by the experience of other countries which have made mistakes in the matter and attempted to go too fast in the rates of taxation which they have imposed at the outset—thereby suffering a considerable loss of revenue and really destroying their own trade.

Now, Sir, I said something about the dislocation which must inevitably be caused to trade by introducing a measure of this kind. Those Honourable Members of this House who were members of the Select Committee will know that we discussed there in the Select Committee the question of the effect on labour, the danger that large numbers of hands might be thrown out of work while the factories were adjusting themselves to the new conditions, waiting for the time when we could issue banderols and reorganising themselves to prepare for that. I was very glad to be able to get from the largest group of companies the assurance that they were going to watch the interests of their own labour very carefully, and I need not read again the telegram which they sent to all their works managers, because that has been circulated with the proceedings of the Select Committee. I have since received assurances from another group of manufacturers who were present that they intended to do their best in this matter, and I may say that the Government of India in the Department of Industries and Labour propose to watch the situation very carefully. We are determined to do what we can to prevent any hardship being caused to labour owing to the changes introduced by this measure. The dislocation will also inevitably have some effect on our revenue position, and this will also be affected, though, in the long run, to a lesser extent, by the changes in the rates of duty which we have proposed. I do not intend at this stage to go into details on the financial arrangements or as to what we propose in order to adjust the situation, because I hope to have an opportunity to review the whole financial situation after the clauses are passed and when I am speaking on the third reading. It will be more appropriate for me to do that when I am sure that this Bill is really going to be passed.

Another important general matter to which we gave very careful consideration in the Select Committee was the position of the cottage industry for making matches and there we have modelled our recommendation on the recommendation that we found in the Tariff Board Report, and we have inserted a new clause 19 which contains a provision making it possible to give in effect some remission of the duty to the small cottage industry.]

The only other point to which I need refer is a point raised in what has been called a Minute of Dissent. It is not in the ordinary way a Minute of Dissent, so far as I understand, to the recommendations of the Committee, nor to the Bill as it stands, but rather a minute of disagreement with Government proposals as regards their general policy in this matter in relation to the Indian States. Now, Sir, the point that I want to put to the House in this connection is that we were bound to make an arrangement on these lines, otherwise we could not possibly have introduced a measure which could have worked at all. The only point that I think I need deal with is where this Minute says :

"Excise on matches, to be collected in all units of the Federation, was considered to be one of the most valuable sources of revenue for the future Federal Government. If all States are to be given the privilege of sharing this revenue immediately, it will be most difficult in the future to get them to give it up for the benefit of the Federal Government."

Well, Sir, we have made it absolutely clear in all our communications with the States that what we are proposing now is only a provisional arrangement and that it is not in the least to prejudice the position

[Sir George Schuster.]

as it would be when the Federation is set up. We have done all that we possibly could to guard the situation. One must admit that, from a practical point of view, if a State does not want to come into Federation and thinks that by coming in, it will have to sacrifice its revenue from the matches excise duty, that may perhaps be a factor weighing in the balance and affect its decision, but I doubt very much whether any State will be so much affected by its receipts from the matches excise duty as to allow a consideration of that kind to turn the balance as regards its decision. In any case we certainly have guarded against "queering the pitch" in that respect, to use a phrase which has sometimes been used here. At the same time, I am bound to acknowledge that in this case and in the case of the sugar excise duty, if we had had a free hand, it would undoubtedly have been better to delay these measures until the Federation actually came in. But, I am afraid that the Finance Member of the Government of India would be operating under very great difficulties if at every turn he has to be told "you cannot go up that road now, you must wait until the Federation comes in". Unfortunately, the financial necessities of the situation do not wait, and we have to meet them when they arise. I shall have something more to say on the effect of our whole proposals on Federal finance when I make my concluding remarks on the third reading. I think, Sir, that is all I need say at the present stage. Sir, I move.

Mr. Deputy President (Mr. Abdul Matin Chaudhury): Motion moved:

"That the Bill to provide for the imposition and collection of an excise duty on matches, as reported by the Select Committee, be taken into consideration."

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadian Rural): Sir, I do not know whether I should congratulate the Honourable the Finance Member or ourselves, the members of the Select Committee, or the industries who came to co-operate with us in coming to this agreed solution. But the fact remains that whoever is to be congratulated, the agreement that we have been able to secure in the Select Committee had the co-operation of all the three parties concerned. Sir, one aspect of this case, which was uppermost in my mind, was the cottage industries and I am very glad to state that the other members of the Select Committee in general and the Government members in particular have sympathised with the case of the cottage industries and have agreed to give a rebate of two annas, as recommended by the Tariff Board itself. It is said by my Honourable friend, Diwan Bahadur Mudaliar, that two annas are not much. But the Tariff Board's expert opinion was that it should be two annas, and I at any rate felt that I could not plead for any amount beyond what the Tariff Board recommended. However, there was this change in the attitude of Government as well as the Members of the House that there should be some consideration shown to this cottage industry and I take this opportunity of thanking them for showing this consideration. Sir, the position of labour as a result of the closing of several factories did cause us considerable anxiety and as a matter of fact, while we were on the Select Committee, we received wires that as a result of the closing of several factories a large number of people were thrown out of employment. But, as has been just now remarked by the Finance Member, Government took note of that fact, and on the floor of the House just now, the Finance Member has assured us that the Department of Industries and Labour would keenly watch the interests of

labour in carrying out the proposals of Government. I must acknowledge, also that those representatives of the industry, who came before the Select Committee,—I am not disclosing any secret of the Select Committee,—were prepared to give these labourers, during the period of their being out of employment, some amount as compensation and that they will take early steps to instal all these labourers who have been thrown out of employment. But there were several other industries who unfortunately were not present before the Select Committee. I am glad, therefore, that the Honourable the Finance Member has been pleased to assure the House that the Department of Industries and Labour would closely watch the interests of labourers in this regard in the employment of the industry as a whole, and with that I think we would be justified in leaving the matter in the hands of the Department to watch over the interests of the labourers.

Sir, an excise duty, on an industry like matches, which is a prime necessity of life, must be very unpopular to all of us and there are some of us who have realised that notwithstanding our desire, that there should be no tax on a primary necessity of life, the excise duty levied on this industry has been inevitable. We have recognised that and we have tried to mitigate, as far as we could, with the co-operation of the Government Members, to reduce the tax as we have provided.

[At this stage, Mr. President (The Honourable Sir Shanmukham Chetty) resumed the Chair.]

And in that regard it must also be taken into consideration that the proposals of the Select Committee were that there should be one pice boxes on the market. That was a great improvement on the original proposals of Government and I venture to submit that would be very helpful to the poor people who have to buy these matches.

The third point that I should like to mention is, that in this country most of this industry was largely in the hands of foreigners, but personally speaking, I felt very happy that one of the most important foreign concerns, who appeared before the Select Committee, has given us not only co-operation but great hope for the future of the industry. They promised us, that in accordance with the undertaking that they gave to Government some time ago, they would have more Indian capital, that they will use more and more Indian wood and that their services will be as far as possible Indianised. That was a very satisfactory assurance to get from a foreign company. At the same time when I was in the Select Committee, I felt that there was another big foreign concern, which was not at all represented here in Delhi, when we were sitting in committee, and that was the Japanese concern. Coming as I do from the coastal districts, I felt that at the present moment the competition of the Japanese firms with the indigenous industry was so great that some sort of control was necessary. Further, that when the Swedish Company has assured us that they will take more Indian capital and Indianise their services and use more largely Indian wood, I thought I would be justified in asking that the same thing should be done by the Japanese also. Sir, on the floor of this House, I should like to mention one important point and that is that, since the meetings of the Select Committee, I had been on my own account in communication with the Japanese firms and it is only about an hour and a half ago that I received a telephone trunk message from Calcutta in which on behalf of the Japanese firms I was

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requested to mention on the floor of this House that they are prepared to give such concessions as it is possible to be given by them on the same lines as the Swedish have given. And they further asked me to mention here that of the two factories they have, in one factory they have already employed some Indians and that some portion of the capital was Indian and in the other it was purely a private Japanese concern. After the close of the Assembly, I will again get into touch with them, and I hope that when I come back again, I will be able to make a representation on this subject,

The Honourable Sir George Schuster: Have they given any assurance about the maintenance of their labour and employment during the next few months?

Mr. B. Sitaramaraju: What they told me on the 'phone was this. three days ago I 'phoned to them from here that the Swedish concerns were willing to take Indian capital and they were willing to Indianise their services and that they had already given an undertaking to that effect to the Government of India that they would do so. I asked I would like to know whether the Japanese factories in Calcutta would give the same concessions as the Swedish people have done.

The Honourable Sir George Schuster: I thought my Honourable friend was going to say that he communicated to them what the Swedish match people told us they were going to do about their labour. Did my Honourable friend ask them whether they would take the same steps with regard to their labour?

Mr. B. Sitaramaraju: I forgot that point in a hurry, but I will again call them tomorrow and find out definitely.

Then, there is again the question of the use of Indian wood. I was not in a position to say "no", when the Swedish Company said that then they were using 85 per cent of Indian wood, but a statement was made that several of the Indian companies are still largely using foreign wood. I am asked on the floor of the House to contradict that statement. A wire was sent in which it is said that Indians are using only five per cent of foreign wood and the rest is all Indian wood. I am not in a position to say how far it is correct; but the wire that was placed in my hands contradicting the fact that they were using largely foreign wood, coming from Calcutta reads as follows:

"Received fifteen foreign means Wimco Essaivi and Calcutta Match stop Challenge providing Indian has Japanese capital stop Wimco recently started using Indian wood to kill only small factories raising prices of wood and reducing rate of matches stop Indian use five against their ninety-five per cent foreign wood."

It was sent through their representative who came from Calcutta on behalf of the match industry.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): By whom was the telegram sent?

Mr. B. Sitaramaraju: The telegram is signed "Nilerose". I think this is the same Calcutta Company which came to represent about the fifty sticks match boxes. In this connection, I would like to ask once

again one point of the Government. In the Tariff Board Report, they said that research should be made at Dehra Dun with a view to increasing the plantation of trees of such kinds of wood necessary for the supply of the entire demand of wood for the manufacture of this industry. I have not been able to know what was the result of that inquiry, if one such was held; and I would like to press upon the Government the necessity of making such an inquiry, if no such inquiry has been made so far, and increase the plantation of wood suitable for this purpose, so that there may be no occasion for any Indian factory to secure wood from any other foreign country hereafter.

With regard to the Minute of Dissent, I entirely agree with the Honourable the Finance Member when he said that it is not exactly a minute of dissent but a minute of disagreement. I would not like to go further into the matter, except to say that so far as regards those points which it does cover, let us agree to differ. Further there is one important point that I would like to ask. It has been common knowledge throughout the country that when the Honourable the Finance Member made his speech introducing this measure, it was found that a few hours earlier than that several Marwaris were able to purchase large stocks of matches in order to make profit. I understand that these people had received information and they came to know that changes were going to be made and were thus able to defeat Government and rob the Government of their money that otherwise they would have received. . . .

The Honourable Sir George Schuster: The Honourable Member says, it is common knowledge. Has he in the legal sense any evidence? Could he give evidence as a witness to that fact, or is he merely relying on hearsay and rumour?

Mr. B. Sitaramaraju: I did not want to say that I also received information in the Select Committee, but I did not disclose the information received in the Select Committee. I thought it was unnecessary for me to refer to it. I said it was common knowledge, because, even after I came from the Select Committee, I was told by several persons that several Marwaris had purchased large stocks of these matches.

The Honourable Sir George Schuster: All I want to say is that we always get these rumours. On the occasion of practically every budget, one has heard rumours of people having made enormous profits by anticipating this or that budget proposal. I do not think, if my Honourable friend relies on what was said in the Select Committee, he would be allowed to get up in a witness box in a Court of law and testify to this fact: I think he would be ruled out of order as giving hearsay evidence, and I think we, none of us, have got direct evidence on this. It is common knowledge that, before Budget time, there are people who gamble on what they think are likely to be the new taxes; and you, Sir, have told me a very amusing story on that subject. But I hardly think that my Honourable friend is entitled to bring a direct charge against anybody on the floor of this House on the strength of what he heard in the Select Committee.

Mr. B. Sitaramaraju: My purpose is only this: I would like to know whether it is a fact that these purchases were made a few hours before the Finance Member's speech, and if it is a fact, then I would like the

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Government to make an inquiry into it. That is all that I want. I want only an inquiry to be made. If it were a fact that such a thing has happened, how did it come to happen? That is my point. I am not concerned with who has done it and what class of people they are.

The Honourable Sir George Schuster: But surely my Honourable friend must realise that however much we may inquire into the matter we would not arrive at any very definite result. Anybody may gamble on what he expects to be a part of the Budget proposal: that does not prove that he has any precise knowledge of what the Budget proposals are going to be. He takes a risk; that is always done; you will find it done in every country of the world.

Mr. B. Sitaramaraju: But does not the Honourable Member realise that it is remarkable that only a few hours before his speech large stocks of this should be purchased?

The Honourable Sir George Schuster: But if anybody wants to gamble in that way, he is taking no risk: he buys matches in the market according to the market prices; if the duty goes up, he makes a lot of money; and if it does not go up, he does not lose very much; it is a very easy gambling transaction.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, would I be in order if I asked a question of my Honourable friend, Sir George Schuster, whether he made any inquiries about the alleged forged letter sent to Mr. U. N. Sen of the Associated Press during the discussions on the Reserve Bank Bill?

The Honourable Sir George Schuster: I did not hear exactly what my Honourable friend's question was: but in that particular case I could certainly have gone into a Court of law and sworn to what had happened, because I knew it from my own direct knowledge and I could have produced half a dozen witnesses, who were directly concerned with that case. In this particular case we are dealing, I think, with rumour and hearsay evidence. I am not defending these people who are supposed to have gambled on the chance of the excise duty being imposed; but I think we ought in a debate in this House to avoid loose talk on the matter and not to make charges of which we have no direct knowledge.

Mr. B. Das (Orissa Division: Non-Muhammadan): As a very severe charge has been levelled by my friend, Mr. Raju, against the business morality of a business community in India, I would like to point out that I agree with the Honourable the Finance Member that business men are accustomed to gamble on the stock exchange. But what about match manufacturers manufacturing day and night for twenty-four hours throughout the month of March and overstock the market? If anybody ever purchased matches, it could not be a large stock like silver or gold.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Those who are in the best position to know say that, a little time before the Finance Bill was introduced here, large purchases were made and large profits were made by particular firms. They did not mention names, but the allegation was quite specific that they wanted to make large profits. It may be due to speculation or anything else—I cannot say.

Mr. President (The Honourable Sir Shanmukham Chetty): Unless the Honourable Member has got any definite information, it is not proper to level a charge against anybody on the floor of the House.

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Mr. B. Sitaramaraju: I would like to ask the Finance Member whether he proposes to make any financial proposals after the Assembly had given its verdict on sugar and matches excise duty, as reported by the Associated Press? The Associated Press reported as follows:

"Associated Press understands that Sir George Schuster will review the financial proposals after the Assembly has given verdict on the Sugar and Matches Excise Bills. Thus no forecast is possible as to whether he will be able to give in full measure the promised relief to Bengal and other Provinces....."

The Honourable Sir George Schuster: If my friend was here when I made my speech, I said that I proposed to review the whole financial position in the course of the Third Reading debate on this Bill.

Mr. B. Sitaramaraju: That is all I wish to say.

Mr. B. Das: Sir, at the outset I will refer to paragraph 2 of the Select Committee's Report, where it is mentioned that Sir Alan Parsons, Secretary to the Government of India in the Finance Department, and Mr. A. H. Lloyd, Member, Central Board of Revenue, attended the meetings of the Select Committee and assisted us with information. Now, Sir, no information has been made available to us. Then it says: "We have also had the advantage of hearing the evidence of representatives of the main interests engaged in the match industry in India". Sir, our colleagues have denied us the privilege of reading those evidences, but as we are all anxious to go home, I would not ask for a further ruling from the Chair before the next Session about this. . . .

Mr. N. M. Joshi (Nominated Non-Official): Then say that the Report cannot be considered.

An Honourable Member: Say that.

(At this stage, some private conversation was going on between some Honourable Members.)

The Honourable Sir Brojendra Mitter (Law Member): What is this private conversation that is going on?

Mr. B. Das: As the Honourable the Leader of the House happened to be the Chairman of the Select Committee, and as the Chair gave a definite ruling that in future. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. This point the Honourable Member is raising frequently. The ruling was very clear on the point. It is not a direction merely to the Chairman of the Select Committee. It is up to the Committee on each occasion to decide what information and what documents should necessarily be made available to the Members of the House. Evidently, this Select Committee did not think it necessary to make available any documents.

*(Portions in asterisks were expunged by order of the Assembly.)

The Honourable Sir Brojendra Mitter: In the Select Committee two or three documents were mentioned, and I specifically told the Members who produced these documents that they must be handed over to me. My information is that they have all been circulated

Mr. B. Das: Except the particular telegram.

The Honourable Sir Brojendra Mitter: Every document that was mentioned in the Select Committee has been circulated. Three documents were produced, and they have all been circulated.

Mr. N. M. Joshi: May I ask one question, Sir? Reference has been made just now to certain undertakings given by one of the witnesses. Now, I want you, Mr. President, to consider this. Is it fair on the part of either the Government or the members of the Select Committee to allow these undertakings to be kept confidential and deny the House the privilege of knowing them?

The Honourable Sir George Schuster: May I interrupt my Honourable friend? They are not confidential. If I had not thought that every Member had a copy of the particular telegram, to which I have referred, I would have read it out. I got it with my Assembly papers, and I thought everybody had got it, and so I did not read it. With your permission, Sir, I should like to read out this telegram which I received.

Mr. N. M. Joshi: My point is this, Sir. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): Let the Finance Member finish.

The Honourable Sir George Schuster: This is a telegram from the Directors of the Western India Match Manufacturing Company to all their Works Managers:

"In consultation with Government it has been decided pay half daily wages to workmen who cannot be fully employed after expiration notice period stop. As we are now in a position to know what class of matches we can manufacture in accordance with graded it is desirable provide largest possible employment by manufacturing boxes and splint and undertaking useful work of useful nature stop. Arrange from fifteenth and until further manufacture of half size boxes suitable forty splint two millimetre thickness without overfilling stop. Manufacture splint to start when aspen available stop. Monthly paid staff should be kept on until further and given work as far as possible stop."

That is the telegram to which I referred.

Mr. N. M. Joshi: My point was this. I have received that telegram myself, but if I remember the speech of my friend, Mr. Raju, correctly he said something else. He mentioned that the company had agreed to appoint Indians. . . .

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Chair has got the word of the Chairman of the Select Committee that all documents, that were available to the Select Committee and which the Select Committee thought it necessary to circulate, have been circulated to every Member, and the Chair cannot allow any further discussion on it.

Mr. B. Das: Now, Sir, coming to the question

Mr. N. M. Joshi: May I ask one question, Sir? I should like to know whether the members of the Select Committee agreed that the evidence given before them should not be published? Was any resolution passed to that effect? If that were not so, then it was not the decision of the Select Committee.

Mr. S. C. Mitra: Government say they published everything that was presented before the Select Committee.

The Honourable Sir Brojendra Mitter: I will tell the House what happened. Whenever a document was produced, I said that that would be part of the record, and it would have to be circulated to all Members. Of course, no formal vote was taken whether a document should be circulated or not. It was well understood—I mentioned that fact,—it was well understood that any document produced there would be circulated to all Members. Three documents were produced. I took charge of them, and they have been circulated.

Mr. N. M. Joshi: What about the evidence taken? Did the Select Committee decide that the evidence should not be published? I want some member of the Select Committee to express his opinion.

Mr. S. C. Mitra: The question was not raised at all.

The Honourable Sir Brojendra Mitter: There was an informal discussion. No regular evidence was taken. No record of the discussion was kept.

Mr. N. M. Joshi: May I raise another point? You have decided that the meetings of the Committee will be confidential and they will be open only to the members. Now, some people have given evidence. We do not know even their names, we do not know who were the people who gave evidence, and I should like

Mr. President (The Honourable Sir Shanmukham Chetty): The Leader of the House says, there was some informal discussion with certain representatives of the match industry, and no formal evidence was either taken or recorded.

Mr. N. M. Joshi: My question is not that. My question is that the Select Committee has examined certain members. . .

An Honourable Member: No.

Mr. N. M. Joshi: They had an informal discussion with some people. Some people were called in for informal discussion. We do not know even who were called in for informal discussion.

Mr. President (The Honourable Sir Shanmukham Chetty): Is it the contention of the Honourable Member that if anybody is called as an informal witness before the Select Committee and discussion takes place with him, it ought to be stated in the Report as to who was called? This must be left to the Select Committee itself.

Mr. N. M. Joshi: May I know if a Member is not entitled to ask whether the Select Committee passed a resolution saying that these names should not be given or the evidence should not be published?

Mr. President (The Honourable Sir Shanmukham Chetty): That is not the way of looking at it. If the Select Committee thought fit that the evidence was important enough to be circulated to Members, it would have decided that it would be formally recorded and made available to Honourable Members. In the absence of that, we have simply to infer that the Select Committee did not think it worth while to record that evidence and circulate it to Members. No specific resolution of the Select Committee is necessary for that purpose.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, you gave a ruling the other day to the effect that whatever material would be available to the Select Committee would also be available to the House. This particular thing was available to the Select Committee, and it is not available to us and we cannot form any judgment. The members of the Select Committee who are present here may give their own opinion on this Bill and others may go out, as they are not wanted. The second point is that in all the previous Committees outsiders were definitely refused by the Government, and I want to know why an exception was made in this particular case.

Mr. President (The Honourable Sir Shanmukham Chetty): Mr. B. Das may continue with his main speech.

Mr. B. Das: All I can say is that there is something wrong in the kingdom of Denmark. I have approved this measure of excise duty, and I think the reduction that the Select Committee has made in this case is also approved, but the most revolutionary feature of this Select Committee's Report is contained in paragraph 6 of the majority report where they propose to introduce a new excise duty Bill regarding mechanical lighters. I thought the Finance Member was satisfied with two excise Bills, namely, Matches Bill and Sugar Bill, and I never expected that my Honourable friend would produce a new baby in the Select Committee, namely, the Mechanical Lighters Bill. It is most surprising that mechanical lighters which are only used by the rich,—the Finance Member might have one which is probably a present from a lady friend of his, costing £2 and 10 shillings, and I have got one costing 1s. 10d.

Mr. R. S. Sarma (Nominated Non-official): Also from a lady?

Mr. B. Das: I do not recollect exactly. I am surprised that my Honourable friends in the Select Committee did not bring out another baby, call it a Flint Bill.

The Honourable Sir George Schuster: There is plenty of time. We might get it ready before the Session is out if my Honourable friend wants it.

Mr. S. C. Mitra: Have a coir Bill.

Mr. B. Das: My Honourable friend, Mr. S. C. Mitra, wants to have a coir Bill,—coir which a *panwala* or a *bidiwala* hangs from the roof. If a match which can give two lights is to be prevented under this Bill, why should not the coir which the poor villager hangs from his roof and uses for lighting his cigarettes or *bidis* or the country made cigars—why should we not have a Bill to deal with that? When that Mechanical Lighters Bill comes, I am going to oppose in this House the new baby which is included.

Mr. President (The Honourable Sir Shanmukham Chetty): How many babies do you want? (Laughter.)

Mr. B. Das: I do not want any more baby, I have got enough, but the Select Committees are producing babies which this House does not want. My sorrow is that the cottage match industry has not been sufficiently protected. I would have liked that no excise duty was levied on it. It does not console me—I do not know if it consoles my Honourable friend, Mr. Mitra—that there is a two anna rebate in excise duty for the cottage match industry.

Mr. S. C. Mitra: That is what is proposed by the Tariff Board.

Mr. B. Das: It should be either half as has been done in the case of *khandsari* sugar, or there should be no duty at all on the cottage match industry.

My Honourable friend, Mr. Raju, talked about certain telegrams that passed between him and a certain firm in Calcutta that is subsidised by Japan. This foreign capital that is being invested in the match factory is a menace to India. The Commerce Member is not present here, and he is very reluctant to legislate whereby industries that are protected should be controlled. The other day, when I voted against the passing of the Textile Protection Bill, not that I was against protection, but I wanted to record my protest against the attitude of the Commerce Member that he would not introduce legislation whereby protected industries should be controlled. This match industry is a protected industry. The Swedish Match Company is financed by some Swedish people. I understand that there are match factories all over India that are financed by Japanese capital, and my Honourable friend, Mr. Raju, read out a wire that these Japanese gentlemen out of mercy and kindness were willing to employ Indian labour and Indian technical men. That kind of grace nobody wants. I want the Government to legislate that no foreign capital should be invested in this country. I have made it clear in the past that I am not opposed to British capital—I have taken off my opposition to British capital, though I expressed my opposition five or seven years ago.

Sir, I have learnt very much from my association with Sir Leslie Hudson. I quite welcome, I want to be friendly, very friendly to my Honourable friend, Sir Leslie Hudson. Let British capital and Indian capital work side by side for the common good of India, Britain and India. But that foreign capital, Swedish capital and Japanese capital should work under the guise of the protective scheme and this Government should be impotent and should not be able to apply any control over that capital

[Mr. B. Das.]

is amazing to me. This scheme which has been devised is a good scheme, but it has been devised to give a premium to the foreign capital, the Swedish Match Combine. Does that help India? I do not know how it helps India. It helps the Finance Member as he can collect larger and larger excise duty. We are helpless in the matter of voting, because, if I challenge a division—I do not give any notice of amendments because the maximum voting on our side is 31. Government realise that. The Finance Member has got sympathy with us, but the Commerce Member has not got. And today Mr. Bajpai showed his sympathy in another direction. The Finance Member, even in the matter of salt protection, wants some kind of control, and we have exercised that control from year to year through the Assembly Salt Committee. Government will go to Simla to have tennis and enjoy beautiful climate, and they can have a few Executive Council meetings or a few meetings of the Economic Sub-Committee of the Executive Council to find out whether the time has not come for the Government of India to adopt a definite policy about protected industry and foreign capital invested in it. There must be a certain amount of control. If Sir Leslie Hudson pays income-tax or tax on his profit, I would like that the foreign capital invested in India should pay 50 per cent more, and then my Honourable friend, the Finance Member's problem will be solved. He will get more money.

An Honourable Member: Where will you get foreign capital if you take 50 per cent more?

Mr. B. Das: I do not want any foreign capital in this country. I do not want foreign capital to come to India and take advantage of the leniency of the Government of India. I asked my friend, Mr. Raju, what about foreign timber. I think Japanese capital invested in Calcutta and other places is importing Japanese timber. This timber must be heavily taxed. This is a point which the Honourable the Finance Member should examine. India has enough timber in the Andamans and Burma, and we are spending a huge lot on the Forest Department.

It is very nice on the eve of the Honourable the Finance Member's career that he thought of Federation. It seems to have been forgotten that Federation was looming on the horizon. My Honourable friend just now made a statement that distribution can only take place when Federation comes, but distribution is already taking place under this Bill. My friend, Mr. Mitra, has already profited to the extent of a crore and a half. The difficulty under this Federation has been stated in that minute of dissent by Sir Cowasji Jehangir, Mr. Mitra, Mr. Jadhav, Mr. Raju, Mr. Mahapatra and Mr. S. N. Sen. They state:

"If all States are to be given the privilege of sharing this revenue immediately, it will be most difficult in the future to get them to give it up for the benefit of the Federal Government. They will get accustomed to count upon this source of revenue for their own use and we are afraid that this precedent will be a cause of considerable embarrassment to the future Federal Government."

I want a definite reply from the Honourable the Finance Member on this point. These States demand a price from us. We have already paid one big price and we are not going to pay a second price. Thereby

the Honourable the Finance Member is nullifying the statement of Sir Akbar Hydari who, while giving evidence before the Joint Parliamentary Committee, stated that if for ten years the Federal Government will be solvent, then the States will bear additional taxation and here the Honourable the Finance Member is going to levy taxes partly on Indian States, but mostly on British India, and he is giving a share to the States which none of them ever demanded or dreamed of. They do not manufacture any matches and they should not be given any share, but if they are to be given any share, they must give it in writing that this does not form a precedent and this does not absolve their obligations to the Federal Government to share the expenses of the Federal Government as stated by their spokesman, Sir Akbar Hydari, in his evidence before the Joint Parliamentary Committee. My Honourable friend was present in London at the time of the financial discussions before the Joint Parliamentary Committee, and here he is giving them some thing in advance and in addition to what we have already agreed to screen their maladministration. This price we are going to pay is in hard cash. I ask, why should we pay in hard cash money which is derived from British India. Until the relations between the Indian States and British India are settled, we should not commit ourselves to any financial obligation. My Honourable friend will leave the country in three weeks, but his successor will stand committed to a principle from which he would not be able to get out. These are the few observations I want to make, and I do hope that the Honourable the Finance Member will see his way to exempt cottage industries from any excise duty.

Haji Chaudhury Muhammad Ismail Khan (Bakarganj *cum* Faridpur: Muhammadan Rural): Sir, I intend to consider the question of excise duty on matches from the view-point of the small scale producers and poor consumers. The duty is bound to affect the lot of both the small capitalist who manufactures and the poor man who uses this indispensable commodity. As such, I think, Sir, it is desirable that we should give the matter our anxious consideration which it certainly deserves.

I need hardly point out, Sir, that civilisation puts this class of commodity under the category of what modern Economists call "necessaries of life", as distinguishable from luxuries, as wine or the conventional tobacco or tea. It is the very first need of life—the fire—which cooks the food we eat. Every man (in fact he is defined as a living creature who uses fire), be he in the jungle, or in the hills or in the plains or in a crowded town or a populous city, he stands equally in need of it. The days when the aboriginal or the primitive mankind produced fire for his own use by striking one flint against the other are gone and gone for ever. Matches have replaced them—matches have the imposition of an excise duty on which is under the consideration of the House.

This being the case, it is clear that this excise duty on match is a tax on the poor. It is an example of taxing a necessity of life such as food. The incidence of this most inequitable indirect tax will fall almost entirely on the poor consumers of India. This will increase the cost of living of the half-starved millions of villagers and peasants. At the present economic crisis, through which the world is passing, this tax is, I venture to submit, not only inopportune, but also unfortunate, and is, to my mind, indefensible on grounds of equity or justice.

[Haji Chaudhury Muhammad Ismail Khan.]

Already, as soon as the announcement was made by the Honourable the Finance Member that an excise duty on matches was to be imposed, it created a stir in the market and raised the price of the commodity very high. The original proposal of imposing a duty of Rs. 2-4-0 on a gross instantaneously revolutionised the match market. An amendment has been made by the Select Committee in clause (4) of the Bill to the effect that the duty be proportionately reduced to Rs. 2, Rs. 1-8-0, and Re. 1 for boxes containing 80, 60, and 40 splinters. So far as the principle of reduction is concerned, I welcome it as a happy suggestion. But, I am afraid, in view of the telegram that I have received from Mr. G. C. Sen Gupta, who is an expert attached to a small Indian-owned match factory, I presume this will mean a great hardship on them. The telegram in question runs as follows:

"Proportionate duty on matches 40 and 60 sticks will prove disastrous to Indian manufacturers entailing the scraping of all existing machinery and replacing them at enormous cost with Swedish Machineries for which foreign trust holds monopoly of importation which is impossible owing to financial position of Indian manufacturer resulting in the closing down of 95 per cent of the factories."

On further enquiry, I have been told that if the number of splints be reduced to 40, they shall have to import a new machine such as a frame-filling with frame chemical dipping, frame emptying, box-filling and frame carts, which they are not in a position to do owing to financial difficulties. This will, it is feared, result in foreign monopoly.

A very serious situation has, therefore, arisen. And, Sir, if the object of regulating duty is "to make it possible to have a reasonable sized box of matches retailed singly in the bazars at a price of one pice", I am afraid, the object in view is bound to be defeated, because foreign monopoly would not only control the business, but also dictate the price. What provisions do Government propose to lay down to safeguard the interests of the consumers? I would like to suggest for the consideration of the Government that the lower rate be fixed at Rs 1-2-0 for a box containing 50 small sticks and Rs. 2 for 80 big ones. This will mean that the Indian owned manufacturers shall be in a position to compete with Swedish Companies and the price, consequently, will not rise to any abnormal height.

The position of the small manufacturers has always been very precarious, and, since the enforcement of the excise duty, they have been virtually thrown on the rocks.

Let us examine their case properly. Take the instance of a "representative" Indian factory of average resources whose daily out-put is twenty cases or 1,000 gross. At the rate of 12 annas per gross, this factory used to sell its daily output of 20 cases for Rs. 750, but, after the imposition of this duty, let us take the minimum, i.e., one rupee per gross, the price of this daily outturn of 20 cases will rise to Rs. 1,750.

It is obviously clear that the average Indian match companies, which are putting on the market matches of Rs. 750 with great difficulty, will find it still more difficult to procure ample capital to put the same output on the market at Rs. 1,750. Even if these poor Indian producers anyhow succeed in getting financial accommodation for the outturn of the value of Rs. 1,750 they cannot easily take the risk of advancing this big amount of credit to the small retailers. They cannot afford to advance Rs. 52,500 credit every month.

Perhaps, the House is aware, Sir, that the match business is mainly run on credit. The representative match company which usually advances one case of Rs. 37-8-0 on credit to the retailer will be forced to advance to the same poor retailer of very slender capital and credit a case of Rs. 87-8-0. The average match company will think thrice before taking this risk which, under the circumstance, is quite unreasonable. No business man can easily take risk of advancing Rs. 52,500 to the poor shop-keepers every month. It spells sure bankruptcy and financial break-down of his entire business.

The small manufacturers will, first of all, not be able to procure sufficient capital to meet the enhanced cost of production, and, secondly, they will not be able to dispose of their daily output on any economic basis which may safeguard their credit advances to small dealers and retailers. The business will be slack as a natural consequence of the excise duty and many producing companies and distributing shops will go to rack and ruin.

Sir, it has been admitted on all hands that Indian-owned manufacturers are alone responsible for bringing down the price of matches to a reasonable rate. I hold brief for no body, but I can say from my own knowledge that firms like the Dharamsey Match Company, Ltd., of Calcutta, have always put in the market their productions in no way inferior to the well-known manufacturers Wimco and they have sold this commodity at a lower rate which no doubt has greatly touched the Swedish Companies to the quick. I have learnt from reliable sources that the latter companies have tried to push their goods some times by free distribution and too often by offering prizes and presentations to the dealers on conditions that they would not sell the matches manufactured by other companies, and, if they did the offers were forfeited. Now, if anyhow such companies become sole monopolists of this industry, they shall try to regain their losses with exorbitant profits and at the cost of poor consumers. With the sure ruination of the small Indian companies by the sheer weight of duty, the big foreign companies will integrate themselves into huge combines or cartels and ultimately become the virtual monopolists of India. This duty will thus spoil the very object of protection of match industry by ruining the weak Indian companies.

The ruin of the match producing companies and distributing shops will mean unemployment of thousands of Indian labourers who cannot in these days of trade depression find work elsewhere. The trend of the big foreign companies towards monopolistic combination is evidenced by the fact that the Wimco has already begun to swallow several Indian factories. A deputation representing match Industry in Western India, including Sir Padamjee Ginwala, former President of the Tariff Board, represented to the Government the adverse effect of the proposed excise duty on matches manufactured in this country and appealed to them for a reduction in duty. My contention is, Sir, it was nothing more than mere lip sympathy, otherwise it is the Western India Match Company, which expects to get the greatest advantages from the imposition of such an excise duty.

It may be said that Bengal match manufacturers have sent no deputation to represent their grievances. Well, Sir, I humbly submit that no

[Haji Chaudhury Muhammad Ismail Khan.]

match manufacturer, be he small or great, is opposed to this taxation, because having read the announcement of the Honourable the Finance Member, made in his Budget speech on the 27th February, each factory has worked day and night to make as much extra profit as possible before the Bill is passed into law. The present gain has made the factory owners blind to the ultimate result of this heavy taxation. But, Sir, I look to the remote future rather than to the immediate present, and hence I sound this note of warning to this Honourable House and inform what I consider, from my point of view, would be the consequence of this excise duty on matches.

On these economical and financial grounds, I beg to suggest that the Government should take necessary steps to protect small producers from the unhealthy and unfair competition of the foreign companies in India. Indian manufacturers, in case the duty is imposed, should be provided with financial accommodation at low rates of interest, otherwise, I am afraid, they will die an unnatural death and the match Industry of India will ultimately become as much a foreign concern as the cigarette industry. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair would suggest to the Government that in future, in every Select Committee Report, there should be a paragraph at the end to the effect: "We add the following documents as annexures to our Report", and then they should mention the documents that have been annexed; and, where there are no documents, there must be a paragraph to this effect: "Annexures to the report—nil" (Applause.)

Mr. S. C. Mitra: Sir, taxes on articles necessary for the daily use of even the poorest man in the country cannot be agreeable, and if we have accepted the principle of this Bill, it is with the greatest reluctance that we shall have to meet the demands of the Honourable the Finance Member.

Sir, before I discuss some other matters, I should like to explain one thing about the point raised by my Honourable friend, Mr. Joshi. In the Select Committee, in this particular case, there was no examination of witnesses in the technical sense. We demanded from the Government, and Government agreed to find out the means for getting a match box at a cost of a pice and it was to meet that demand that informally some of the manufacturers were called in, in order to find out if we could accept any method whereby the poorest man could get a match box at a cost of one pice. So, really, there were no witnesses examined in the ordinary sense in which witnesses are examined at Select Committees. We are obliged to the gentlemen as well as to the Government for enabling all to come to a decision whereby the poorest people will be able to get a match box at a cost of one pice. As a matter of fact, thanks are due to Government also, because they agreed to lower the rate to Rs. 2 from Rs. 2-4-0 when they fully knew that they could carry anything that they liked either in the Select Committee or in this House.

As regards the cottage industry, I think my friend, Mr. Das, is under a misapprehension. It was the Tariff Board which, after some deliberation, came to the conclusions that there should be at least two annas less of duty in the case of those producers who manufacture matches as a cottage industry. Of course, the demand was for eight annas, but we in the Select Committee were not in a position to press for anything more than what was recommended by the Tariff Board. If Mr. Das thinks that there is a stronger case for enhancing the rebate, I think there will be no hesitation on the part of the Members on this side to support his amendment if he moves one. In this matter of cottage industries, we are very much obliged to my Honourable colleague and friend, Mr. Raju, who pressed this point and earned the support of the Government. We are further obliged to Mr. Raju for bringing down these big Japanese manufacturers in Calcutta to accept similar terms that have been accepted by the Swedish Company, as regards the use of Indian capital, training of Indian officers and Indian labour in their factories. We appreciate very much the attitude of the Government in the interests of India to have secured from these manufacturers the promise to continue to pay labourers in the match-manufacturing industry though their workshops stopped wholly or partially for the time being. There was a great risk of a large number of Indian labourers being discharged, and, in these days of unemployment, the labour population would have felt that very much. But, under the pressure of Government, the match manufacturers at a considerable sacrifice agreed to keep them engaged, sometimes though on half pay. As I said, Sir, it is with considerable reluctance that any representative House can accept a duty on an article like the matches and we hope that Government will, at the very first opportunity, try to take away this tax. (*Mr. B. Das.* "Never".) My friend, Mr. Das, says that they will never do it. But I do not agree with my friend on this question, because, in spite of great pressure for large revenue, Government on this occasion did not think of raising the duty on salt, though there was much attraction for it. We can suggest that there are other avenues of revenue. I have already suggested the equalisation of the excise duty and the import duty on kerosene, and my friend, Mr. S. C. Sen, once suggested the putting of an excise duty on vegetable ghee, and my friend, Mr. Das, had offered many suggestions for raising the revenue from different sources.

Mr. B. Das : Export duty on gold.

Mr. S. C. Mitra: The export duty on gold is really a very good suggestion, because it is the desire of everybody in India that our gold should not leave the Indian shores in such large quantities. We certainly expected that before the Honourable the Finance Member left the Indian shores, he would revise his opinion on this point. At least he would leave behind him a note to his successor to the effect that, though Indians might be prejudiced, they had a love for keeping gold. We have not become really so much scientific as to do away with our gold.

With regard to the point about the Indian States, we in our dissentient explanatory note have tried to explain the whole case. We generally feel that once the Indian States share our revenues, it will be very difficult subsequently, with the advent of Federation, to make them induce

[Mr. S. C. Mitra.]

to give up any of these big items of revenue. And this is one of the main considerations why we did not like to anticipate the future Federal scheme of revenue until all other points were settled. Some of my friends think that those States which have no factory for manufacture of match boxes should at least be debarred from participating in this revenue, but I for one think that it is not the manufacture, but it is the consumption of this taxed article on which the question of proportionate division should rest. On general grounds we think that the Indian States may still be left alone, because there are so many difficulties in realising from them the share of revenue which we expect from the consumption of matches in the Native States. On these general grounds, we suggested that the Native States might be left out for the present from the scope of this Bill. Sir, we, on this side of the House, are giving our consent to the passing of this Bill very reluctantly.

The Assembly then adjourned till Eleven of the Clock on Friday, the 20th April, 1934.

LEGISLATIVE ASSEMBLY.

Friday, 20th April, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Jhetti) in the Chair.

MEMBER SWORN.

Mr. Narayan Raghavan Pillai, M.L.A. (Government of India: Nominated official).

QUESTIONS AND ANSWERS.

REPLACEMENT AFTER THREE YEARS OF CLERKS WORKING IN THE APPOINTMENT SECTIONS OF THE POSTAL CIRCLE OFFICES.

776. *Maulvi Muhammad Shafee Daoodi: (a) Is it a fact that there is a standing rule that clerks working in the appointment sections of post offices are required to be replaced after three years?

(b) If so, are Government prepared to consider the advisability of adhering to the same principle in respect of similar appointments in the Circle Offices?

The Honourable Sir Frank Noyce: (a) No; there is now no section in a post office designated the appointment section, and only the clerk in a General or First Class Post Office who deals with staff cases is required to be replaced after three years.

(b) Does not arise.

TRANSFER OF THE INVESTIGATING INSPECTORS ATTACHED TO THE PUNJAB POSTAL CIRCLE OFFICE.

777. *Maulvi Muhammad Shafee Daoodi: (a) Is it a fact that there is a standing order to the effect that Investigating Inspectors attached to Circle Offices should be transferred after five years' stay at one station?

(b) Is it a fact that one of the Investigating Inspectors attached to the Punjab Circle Offices is working in that capacity for the last six years, and is being further retained for six months more for the present?

(c) If so, do Government propose to intercede in the matter and see that the rules are rigidly followed in his case by ordering his immediate transfer?

The Honourable Sir Frank Noyce: (a) Yes, but on account of the existing financial stringency such orders have been temporarily held in suspense and transfers are being made only in the cases in which they are considered by the Head of the Circle to be specially desirable.

(b) The facts are substantially as stated by the Honourable Member.

(c) No. The Honourable Member is referred to the reply given to part (a) of his question.

TRANSFER OF THE PRESENT SORTING INSPECTOR ATTACHED TO THE PUNJAB POSTAL CIRCLE OFFICE.

778. *Maulvi Muhammad Shafee Daoodi: (a) Will Government please state the duties assigned to the sorting inspectors attached to Circle Offices, and whether there is any specific ruling governing the duration of stay as a sorting inspector?

(b) Is it a fact that the present sorting inspector, attached to the Punjab Circle office, has displayed splendid achievement in reducing the expenditure incurred in the Railway Mail Service to a considerable extent, and was once recommended for nomination as a Superintendent?

(c) Is it also a fact that the transfer of the said sorting inspector has been ordered just after he had served in this capacity for five years, rendering meritorious services, whereas another investigating inspector of the Punjab Circle Office who has utterly failed in carrying out his duties efficiently, is retained in the circle office for an extended period?

(d) If the facts are as stated above, do Government propose to enquire into the causes of such differential treatment and to do justice to the man concerned?

The Honourable Sir Frank Noyce: (a) As regards the first part, a statement briefly explaining the duties of a Sorting Inspector is laid on the table. The reply to the second part is in the negative.

(b) to (d). Government have no information. The matter is within the discretion of the Postmaster-General, Punjab and North West Frontier, to whom a copy of the question and of this reply is being sent for such action as he may consider necessary.

Statement.

The principal duty of a Sorting Inspector is to supervise the work done in the Sorting Branch of the Postmaster-General's office and to see that the sorting lists of each sorting section and office in the Circle are corrected up to date. A sorting Inspector may be deputed to visit occasionally the more important sorting sections and offices in the Circle with a view to suggest improvements in sorting arrangements, to discuss such arrangements with other officers, to make enquiries about the detention of mails, or to do any other work that may be required of him by the Postmaster-General.

DELIMITATION OF CONSTITUENCIES FOR THE PROVINCIAL AND CENTRAL LEGISLATURES.

779. *Sirdar Harbans Singh Brar: (a) Will Government please state the spade work so far done by the Reforms Office in the matter of delimitation of constituencies for the Provincial and Central Legislatures under the White Paper scheme?

(b) Is it a fact that provincial conclusions have been arrived at regarding the constituencies for some of the Provinces at least?

(c) Is it also a fact that the tentative provisional conclusions arrived at some six months ago have been radically altered, as far as some of the Provinces are concerned, during the last few weeks? Will Government be pleased to state the reasons for this, with special reference to the Punjab?

(d) What is the procedure proposed to be adopted regarding a final decision in this matter?

(e) Do Government propose to invite public co-operation,—as was done regarding franchise—by issuing a questionnaire and inviting memoranda and evidence thereon, or not?

(f) Do Government propose to make the provisional conclusions public immediately, so that public criticism may be invited before taking a final decision?

The Honourable Sir Brojendra Mitter: (a), (b) and (c). As the Honourable Member is aware, no proposals for the delimitation of constituencies were included in the White Paper; nor have any instructions yet been given by His Majesty's Government for work on that part of the electoral scheme to be taken up. In the meantime, purely by way of exploration and without in any way prejudging Parliamentary decisions on the future franchise, some preliminary examination of the delimitation of constituencies has been made by Provincial Governments. This preparatory work has not been controlled by the Government of India who are not in a position to supply information of the progress achieved province by province.

(d), (e) and (f). No decisions have yet been taken as regards the procedure to be adopted for framing proposals for the delimitation of constituencies.

APPOINTMENT OF TRADE COMMISSIONERS.

780. *Sirdar Harbans Singh Brar: (a) Will Government please state the number of countries in which they have appointed Trade Commissioners or Deputy Trade Commissioners?

(b) How many of them were recruited from the services, and how many from amongst non-officials?

(c) Do Government propose to appoint some more Trade Commissioners in countries where there are none at present and to limit the selection thereof to officials, or not?

(d) Who is the Trade Commissioner at Hamburg in Germany? What post did he hold before his present appointment?

The Honourable Sir Joseph Blore: (a) Two, namely, England and Germany. There is a Trade Commissioner and a Deputy Trade Commissioner in London, and one Trade Commissioner at Hamburg.

(b) All the three officers were recruited from the Indian Civil Service.

(c) A scheme has been sanctioned for the appointment of Trade Commissioners abroad, but further progress with the scheme has been held in abeyance for the present on grounds of financial stringency. It is not proposed to appoint officials only to these posts.

(d) The Indian Trade Commissioner at Hamburg is Mr. S. N. Gupta of the Indian Civil Service in Bengal. Previous to his appointment to this post, he was holding the post of Deputy Trade Commissioner, London.

GENERAL ELECTION OF THE LEGISLATIVE ASSEMBLY.

781. *Sirdar Harbans Singh Brar: Will Government please state the date or dates on which the general election for this House is likely to take place?

The Honourable Sir Brojendra Mitter: The Honourable Member is referred to the answer which I gave to Mr. Maswood Ahmad on Saturday, the 14th instant.

**DEPUTY SECRETARIES, UNDER SECRETARIES AND ASSISTANT SECRETARIES
IN THE GOVERNMENT OF INDIA DEPARTMENTS.**

782. *Sirdar Harbans Singh Brar: Will Government please state the number of Deputy Secretaries, Under Secretaries and Assistant Secretaries in the different departments of the Government of India? How many of them are recruited from the services and how many from amongst non-officials?

The Honourable Sir Harry Haig: A statement containing the information is laid on the table. All the officers entered in the statement have been recruited from the services

Statement showing the number of Deputy Secretaries, Under Secretaries and Assistant Secretaries or officers of equal status, in the several Departments of the Government of India and the source from which they have been recruited.

Name of Department.	No. of Deputy Secretaries or officers of equal status.	No. of Under Secretaries or officers of equal status.	No. of Assistant Secretaries or officers of equal status.
Home	1	1	1
Foreign and Political	3	1	2
Finance	1	1	2
Army	1	1	1
Legislative	1	..	2
Commerce	1	1 (<i>ex-officio</i>)	2
Railway (Railway Board)	6	5	1
Education, Health and Lands	2	..	1
Industries and Labour	1	1	2
Financial Adviser, Military Finance	5	..	5
Legislative Assembly Department . . . . .	..	..	1
Imperial Council of Agricultural Research Department. . . . .	..	..	1
Reforms Office	1	..	1
Total	23	11	22

SALT MANUFACTURING WORKS IN INDIA.

783. *Mr. Sitakanta Mahapatra: Will Government be pleased to state:

- the names of the salt manufacturing works in India, province by province, with their location;
- how many of these are being conducted by Government and how many by private concerns;
- how many of these are making profits and how many are running at a loss; and
- the quantity of salt produced in India by each of these concerns?

The Honourable Sir George Schuster: (a), (c) and (d). There are 676 salt works in India and an attempt to secure the information asked for in these parts of the question would involve an expenditure of time and trouble entirely disproportionate to the value of the results obtained.

(b) Of the total number of salt works mentioned, 18 are Government concerns.

SALT MANUFACTURING WORKS IN INDIA.

784. *Mr. Sitakanta Mahapatra: Will Government be pleased to state:

- the number of salt manufacturing concerns in India before 1931, and whether any increment in number has been made since then;
- the quantity of salt manufactured in India before 1931 and the increase if any, in the quantity since the protective duty on salt has been imposed?

The Honourable Sir George Schuster: (a) I would invite attention to my reply to the Honourable Member's starred question No. 783.

(b) A statement is laid on the table.

Statement showing quantities of salt manufactured in British India (excluding Aden).

		Quantity of salt manufactured during the years				
		1928-29.	1929-30.	1930-31.	1931-32.	1932-33.
		Mds.	Mds.	Mds.	Mds.	Mds.
Northern India Salt Revenue Department.		1,23,69,457	1,12,80,094	1,38,82,071	1,28,24,127	1,20,16,284
Bombay		1,37,32,616	1,39,18,322	1,31,12,942	1,09,96,853	1,13,46,591
Sind		8,40,840	9,88,557	9,04,941	12,07,476	13,57,845
Madras		1,21,02,368	1,13,74,295	98,75,646	1,46,43,594	1,28,47,522
	Composition duty Areas.	48,555	38,226	44,217	43,022	46,691
Burma	Direct duty Areas.	6,09,642	4,86,174	5,34,542	6,33,316	7,43,906
Total		3,97,03,478	3,80,85,668	3,83,54,359	4,03,48,391	3,83,58,841
		Before the imposition of the additional import duty.			After the imposition of the additional import duty.	

DEVELOPMENT OF INLAND SOURCES OF SALT SUPPLY IN INDIA.

785. ***Mr. Sitakanta Mahapatra:** Will Government be pleased to state what they have done to implement the recommendation of the Indian Tariff Board on the salt industry to develop inland sources of salt supply in India to sufficiently supply the Bengal market with rail-borne salt?

The Honourable Sir George Schuster: The attention of the Honourable Member is invited to the reports of the Central Board of Revenue, on the working of the Salt (Additional Import Duty) Act for the years 1931, 1932 and 1933, copies of which have been supplied to the Members of the Indian Legislature and copies of which have also been placed in the Library of the House.

DEVELOPMENT OF THE SOURCES OF SALT SUPPLY IN ORISSA.

786. ***Mr. Sitakanta Mahapatra:** Will Government be pleased to state what action has been taken by them to develop the sources of salt supply in Orissa, which were found suitable by Mr. C. H. Pitt, who investigated the question?

The Honourable Sir George Schuster: The information is being obtained and will be laid on the table, in due course.

REQUEST BY THE RAJA SAHEB OF PARIKUD FOR HELP TO START A SALT FACTORY ON THE CHILKA LAKE.

787. ***Mr. Sitakanta Mahapatra:** (a) Will Government be pleased to state if it is a fact that the Raja Sahab of Parikud approached them for help to start a salt factory on Chilka Lake?

(b) If the answer to part (a) be in the affirmative, what was the decision taken by Government on that request?

The Honourable Sir George Schuster: (a) The Raja approached the Bihar and Orissa Government in 1932 in the matter.

(b) The Local Government granted a license to the Raja for the manufacture of Karkatch salt at Gurubai on the Chilka Lake and allowed him a monopoly for five years for the manufacture of that type of salt in the district of Puri. The Local Government also expressed their willingness to pay for the entire cost of the preventive staff for three years in the event of the manufacture being started.

Mr. B. Das: May I enquire whether Government will subsidise part of the money which they have now set apart for the development of salt sources in Bengal and Orissa from their central fund?

The Honourable Sir George Schuster: I did not clearly follow my Honourable friend's question. In any case, I think I should have notice of the question, and also remind him that the Resolution on the Salt policy is to be discussed in this Assembly and that we shall not decide our policy until the Resolution is disposed of.

Mr. G. Morgan: When is the Resolution expected to be discussed and disposed of? In the next Simla Session?

The Honourable Sir George Schuster: Yes, Sir. In the next Simla Session.

DEVELOPMENT OF THE SOURCES OF SALT SUPPLY IN ORISSA.

788. ***Mr. Sitakanta Mahapatra:** (a) Will Government be pleased to state if it is a fact that the Government of Bihar and Orissa are spending the amount received from salt duty on general administration instead of in developing the sources of salt supply in Orissa?

(b) If the reply to part (a) above be in the affirmative, do Government propose to consider the desirability of holding the amount due to the Bihar and Orissa Government in their hands and spending it on developing salt supply sources in Orissa?

The Honourable Sir George Schuster: (a) The attention of the Honourable Member is invited to paragraph 12 of the Report of the Central Board of Revenue, on the working of the Salt (Additional Import Duty) Act, for the year 1932, a copy of which was given to each Member of the Indian Legislature in March last year and a copy of which has also been placed in the Library.

(b) Government do not propose to take any action in the matter until after the proposed discussion of the subject in the Legislative Assembly has taken place.

AMOUNT RECEIVED BY THE BIHAR AND ORISSA GOVERNMENT FROM THE SALT IMPORT DUTY.

789. ***Mr. Sitakanta Mahapatra:** Will Government be pleased to state what sum of money the Bihar and Orissa Government have received from the salt import duty up to date?

The Honourable Sir George Schuster: The amount so far paid to the Government of Bihar and Orissa, on account of their share of the additional import duty on foreign salt, is Rs. 6,65,000 as follows:

	Rs.
1931-32	2,83,500
1932-33	3,19,200
1933-34 (April to September, 1933)	62,300
Total	<u>6,65,000</u>

Mr. K. C. Neogy: May I invite my Honourable friend on this occasion to make a statement for the guidance of his successor that the Resolution regarding the Salt Import Duty was agreed to be postponed to the next Simla Session on the understanding that the proceeds of the additional import duty shall not be distributed among the Provinces till the discussion of the Resolution has taken place?

The Honourable Sir George Schuster: That, Sir, was the understanding, and I am glad to confirm it.

Mr. Gaya Prasad Singh: What steps have the Government of India taken to see that the sum of money given to the Government of Bihar is ear-marked for the special purpose for which it has been allotted?

The Honourable Sir George Schuster: The Government of India took the steps which they promised in the Assembly of conveying to the Government of Bihar a copy of the Debate in the Assembly on the matter; beyond that the Government of India have not taken any steps.

Mr. Gaya Prasad Singh: Are the Government of India aware that the Bihar Government have appropriated the money for general purposes instead of keeping it for the development of salt industry in that Province?

The Honourable Sir George Schuster: I think my Honourable friend's statement is approximately correct.

Mr. Gaya Prasad Singh: What steps do the Government of India propose to take to see that the amount which has been spent on general purposes should be taken back and ear-marked for the purpose for which the money was given to the Provincial Government?

The Honourable Sir George Schuster: The Government of India propose to allow the matter to be discussed in this Assembly and to decide on their steps after that discussion.

SALT MANUFACTURE ON THE SEA COAST OF ORISSA.

790. ***Mr. Sitakanta Mahapatra:** (a) Will Government be pleased to state if it is a fact that since the enquiry by Mr. Pitt, another officer of the Government of India, Mr. Ayyangar was deputed to enquire into the possibilities of salt manufacture on the sea board of Bengal? If so, what was the result of his investigations?

(b) Did he go to Orissa? If not, why not?

(c) Do Government contemplate making any further enquiry into the possibilities of salt manufacture either on a commercial scale or on a cottage industry basis on the sea coast of Orissa?

The Honourable Sir George Schuster: (a) No, Mr. Rajagopala Ayyangar was deputed to Bengal and Orissa not to enquire into the possibilities of salt manufacture on the Sea Board of Bengal, but to examine the possibilities of a more economical arrangement for conducting salt preventive work in those areas.

(b) Mr. Ayyangar did go to Orissa.

(c) The Government of India do not at present contemplate any further enquiry.

Mr. Sitakanta Mahapatra: Is any report of Mr. Ayyangar available in the Library?

The Honourable Sir George Schuster: That was purely a departmental report.

PAYMENT OF THE SALT IMPORT DUTY TO ORISSA ON ITS SEPARATION.

791. ***Mr. Sitakanta Mahapatra:** When Orissa is constituted into a separate province is it proposed that the Government of Bihar and Orissa hand over to the Orissa Government their portion of money from the salt import duty that the Bihar and Orissa Government have spent on general administration?

The Honourable Sir George Schuster: The question is hypothetical and, therefore, calls for no answer.

RETRENCHMENT OF ORIYAS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

792. ***Mr. Sitakanta Mahapatra:** (a) Will Government be pleased to state if two officers in the personnel of the Income-tax Department in Bihar and Orissa were retrenched in 1932?

(b) Are Government aware that this meant 50 per cent retrenchment of Oriya representation in the personnel of the Income-tax Department?

(c) Is it a fact that the Oriya Peoples Association protested against this measure? If so, what was the reply given to them?

(d) Is it a fact that the Central Board of Revenue acceded to the request of the Commissioner of Income-tax, Bihar and Orissa to allow him a free hand to retrench three officers?

(e) Is it a fact that the Commissioner of Income tax, Bihar and Orissa, first served the officers with notices to quit, allowing scarcely a fortnight's time, and that it was after some correspondence between the Member, Central Board of Revenue and Mr. B. Das, and the consequent intervention of the Central Board of Revenue that the order was cancelled?

(f) Is it a fact that no regular and open proceedings were drawn up against these officers, nor were they allowed any opportunity to clear up their position?

(g) If it is a fact that the Commissioner of Income-tax, Bihar and Orissa, was authorised to retrench three officers, what happened to the third one?

(h) Is it a fact that there was at least one other Income-tax officer in Bihar and Orissa who, in spite of his increment having been stopped, promotions withheld and pay reduced, safely escaped retrenchment?

The Honourable Sir George Schuster: (a) Not two but three Income-tax Officers were retrenched in the Income-tax Department, Bihar and Orissa in 1932.

(b) Yes.

(c) Yes. No reply was given.

(d) The Commissioner effected the retrenchment in accordance with the orders of the Government of India.

(e) Seventeen days' notice was given by the Commissioner to the officers brought under retrenchment. The answer to the second part of the question is in the negative.

(f) Yes; under the retrenchment rules it was not necessary to draw up regular proceedings. Retrenchment is not a punishment.

(g) All three were retrenched.

(h) The Government have no information on this point.

RETRENCHMENT OF ORIYAS IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

793. ***Mr. Sitakanta Mahapatra:** Will Government be pleased to state the principle on which the retrenchment of two officers in the Income-tax Department in Bihar and Orissa has been carried out?

The Honourable Sir George Schuster: The officers were retrenched in accordance with the principles laid down by the Government of India which are confidential.

CHANCE GIVEN TO ONE MUNNA LALL, TEMPORARY GOODS CLERK, NORTH WESTERN RAILWAY, TO REAPPEAR IN THE REFRESHER COURSE.

794. ***Bhagat Ohandi Mal Gola:** Are Government aware that Munna Lall, temporary Goods Clerk, North Western Railway, having failed in the Refresher Course in one attempt was given another chance to reappear in it? If so, will Government please state whether the other staff of the same class were allowed to do so? If not, why not?

Mr. P. R. Rau: Government have no information. The matter complained of is entirely within the competence of the Local Railway Administration, and Government do not propose to interfere.

Pandit Satyendra Nath Sen: Is it a fact that the Refresher course is intended to refresh the memory of candidates and that no candidate is bound to pass any examination relating to that course for the continuity of his service.

Mr. P. R. Rau: I want notice of the question.

AMENDMENT OF APPEAL RULES APPLICABLE TO RAILWAY EMPLOYEES.

795. ***Bhagat Ohandi Mal Gola:** (a) Are Government aware that the Divisional Superintendent North Western Railway, Delhi, *vide* his letters No. 729/E./24/240 and No. 243 of the 16th September and the 13th December, 1930, respectively, informed the *ex-employees* on appeal that the final decision in such cases lay within the competence of the Divisional Superintendent? If so, will Government please state what course is open for the appellants in cases in which neither the Divisional Superintendent, nor the Agent, entertains the appeals, nor is any reply given to the aggrieved petitioners?

(b) Are Government aware that the temporary staff of the North Western Railway, working against permanent vacancies, appealed to the Agent as well as to the Railway Board, up to 1932 but to no avail? If so, will Government please state how the Railway authorities say "the event occurred several years back"?

(c) Are Government aware that the temporary staff was appointed to clear up the old arrears and to be ultimately confirmed, provided they carried out their duties satisfactorily and to the entire satisfaction of their immediate officers? If so, will Government please state why sympathetic consideration was not given to their services?

(d) Will Government please state what steps, if any, are being taken to safeguard the interests of their staff by amending suitably the rules of appeal?

Mr. P. R. Rau: (a) As regards the first part of the question, Government are not aware of the circumstances in the particular case cited. As regards the second part, the rules provide that if an appeal lies to higher authority in any case, a lower authority may not withhold the appeal except on grounds which are specified in the appeal rules. Government have, moreover, recently issued instructions that the employees should always be informed of the decision on his appeal.

(b) and (c). From the question to which my Honourable friend alludes, it appeared that the events referred to occurred in 1929 or 1930. So far as Government are aware, no appeals lie to the Railway Board. The question is one entirely within the competence of the North Western Railway Administration to decide, and Government are not prepared to interfere.

(d) Government are not aware that any special steps are necessary. If my Honourable friend has any practical suggestions to make, Government will be quite prepared to give them the most careful consideration.

Pandit Satyendra Nath Sen: Is it not a fact that in many Divisions on the East Indian Railway, there is a general complaint as regards the entertainment and disposal of appeals?

Mr. P. R. Rau: I am aware that my Honourable friend has made that complaint in the House very often.

ALLEGED IRREGULARITIES IN FILLING UP THE APPOINTMENTS OF THE POSTMASTERS-GENERAL.

796. ***Rao Bahadur S. R. Pandit:** (a) Has the attention of Government been drawn to an editorial note in *The Daily News* of Nagpur, dated the 23rd of March, 1934, in respect of some grave irregularities committed in filling up the appointments of the Postmasters-General, Class I, consequent to the elevation of Mr. G. V. Bewoor, I.C.S., to the post of the Director-General of Posts and Telegraphs?

(b) Will Government be pleased to state if the facts mentioned in the aforesaid article are, or are not, true and whether the appointment of Mr. A. Brokenshaw as officiating Postmaster-General is not in direct contravention of the Notification No. S. A.-194/32-II, dated the 8th February, 1934, published in the Gazette of India, No. 6 (Part I), dated New Delhi, the 10th February, 1934, and containing definite and clear rules made by the Governor General in Council regulating the promotion to the ten posts of Postmaster-General?

(c) Will Government be pleased to state if any representations in this connection were made to the Director General of Posts and Telegraphs, New Delhi, and, if so, what reply was given to them?

(d) If the allegations of injustice, irregularities, etc., be true, will Government be pleased to state what steps they propose to take to remedy the same?

The Honourable Sir Frank Noyce: (a) Government have seen the note in question, but do not admit that any irregularity was committed in making the appointments of Postmasters-General.

(b) It is a fact that Mr. A. Brokenshaw, Director of Telegraph Engineering, Bombay Circle, has been appointed to officiate as Postmaster-General, Madras Circle. This appointment is not, however, in contravention of the rules published in the notification, dated the 8th February, 1934. It is within the terms of rule 1 of those Rules. Rule 3 (b) of those rules merely prescribes the minimum number of 11 administrative posts for officers of the Superior Telegraph Engineering Branch who were serving in the Indian Telegraph Department on the 31st March, 1914, and it does not prohibit the provision of more than 11 posts for officers of that Branch if Government consider this necessary in the interests of service. Mr. Brokenshaw is an officer who was in service in the old Indian Telegraph Department on the 31st March, 1914.

(c) Yes; in reply to a telegram from the Postal Officers Association, the attention of that body was invited to the rules published in the notification, dated the 8th February, 1934, and they were informed that the appointment of Mr. Brokenshaw was made in accordance with rule 1 of those rules and that the Director-General regretted that he was unable to recommend to Government that that appointment should be reconsidered.

(d) Does not arise in view of the replies to parts (a), (b) and (c).

STAFF CLERK OF THE DELHI GENERAL POST OFFICE.

797. ***Bhai Parma Nand:** (a) Is it a fact that a resolution of 'no confidence' in the staff clerk of the Delhi General Post Office, at present working as an officiating accountant in the same office, was passed by the Hindu Posts and Telegraphs Conference held at Lahore in December, 1933, on account of his taking an active part in introducing communalism in the Postal Department?

(b) Have Government received a copy of the said resolution? If so, what action have they taken to stop his activities?

(c) Is it a fact that he has put in 33 years' service so far and being a Muslim has neither been retired nor retrenched, while non-Muslim officers in similar circumstances have been retired?

The Honourable Sir Frank Noyce: (a) and (c). Government have no information.

(b). The reply to the first part of the question is in the negative and the second part does not arise.

RE-TRANSFER OF THE MUSLIM TOWN INSPECTOR OF POST OFFICES FROM DELHI TO HISSAR.

798. *Bhai Parma Nand: Is it a fact that a Muslim Town Inspector who was some time ago transferred from Hissar to Delhi as a punishment for his activities against non-Muslim staff, has again been re-transferred to Hissar?

(b) Is it a fact that under the orders of the Postmaster-General, Delhi, he was not to be posted to Hissar and Gurgaon? If so, why has he not been transferred to a Division other than Hissar and Gurgaon?

The Honourable Sir Frank Noyce: (a) and (b). Government have no information. The matter is one with which the Postmaster-General, Punjab and North-West Frontier, to whom a copy of this question is being sent, is competent to deal.

REFUSAL OF PASSPORT TO SARDAR AMAR SINGH BAMRAL TO VISIT JAPAN.

799. *Mr. Gaya Prasad Singh (on behalf of Sardar Sant Singh): (a) Is it a fact that Sardar Amar Singh Bamral applied for a passport to Japan to push the sale of santonin in that country?

(b) Why was the passport refused to Sardar Amar Singh Bamral?

(c) Was there any danger apprehended if Sardar Amar Singh Bamral had gone to Japan on purely commercial purposes?

The Honourable Sir Harry Haig: (a) Yes.

(b) and (c). I understand that a passport has been refused by the Punjab Government in view of his past activities, both in and outside India, which render the grant of such facilities undesirable.

Mr. Gaya Prasad Singh: Do I understand Government to say that the passport was refused by the Punjab Government in view of the activities of this gentleman outside India?

The Honourable Sir Harry Haig: Yes, Sir, that is what I said in part.

Mr. Gaya Prasad Singh: May I know what is the nature of his activities outside India to which reference has been made?

The Honourable Sir Harry Haig: I am afraid I cannot give details.

Mr. S. O. Mitra: Was this gentleman ever convicted of any offence in India or outside India? If so, was it for any violent crime or any other thing?

The Honourable Sir Harry Haig: In October, 1930, he was sentenced in Delhi to four months' rigorous imprisonment.

Mr. Gaya Prasad Singh: May I know under what law or for what offence he was convicted? Was it in connection with the Congress movement or the Civil Disobedience Movement?

The Honourable Sir Harry Haig: He was prosecuted for a seditious speech.

Mr. S. C. Mitra: I think I understood the Honourable Member to say that it was due to his activities abroad and not for any conviction in India that his passport was refused. Is that correct?

The Honourable Sir Harry Haig: No, Sir, that is not correct. My answer was, "in view of his past activities both in and outside India".

Mr. Gaya Prasad Singh: Will Government grant a passport to this gentleman if the Japanese Consul General in India assures the Government of India that he will not interest himself in any political movement while in Japan?

The Honourable Sir Harry Haig: The Japanese Consul General is obviously not in a position to give any such assurance.

ELECTION OF THE STANDING COMMITTEE ON ROADS.

Mr. President (The Honourable Sir Shanmukham Chetty): I have to inform the Assembly that the following Members have been elected to the Standing Committee on Roads, namely:

- (1) Khan Bahadur H. M. Wilayatullah,
- (2) Rao Bahadur S. R. Pandit,
- (3) Mr. G. Morgan,
- (4) Mr. P. G. Reddi,
- (5) Haji Chaudhury Muhammad Ismail Khan, and
- (6) Mr. N. R. Gunjal.

THE HINDU MARRIAGES DISSOLUTION BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly: Sir, under Standing Order 78, I have to report that 5 petitions, as per statement laid on the table, have been received relating to the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion, which was introduced in the Legislative Assembly on the 27th January, 1931, by Sir Hari Singh Gour.

Petitions relating to the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion, which was introduced in the Legislative Assembly on the 27th January, 1931.

Number of signatories.	District or Town.	Province.
11	Gauhati.	Assam.
8	Do.	Do.
170	Do.	Do.
381	.. . . .	Do.
2,235	.. . . .	Do.
<u>2,805</u>		

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PETITIONS LAID ON THE TABLE.

Secretary of the Assembly: Sir, under Standing Order 78, I have to report that 89 petitions as per statement laid on the table have been received relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933, by Mr. C. S. Ranga Iyer.

Petitions relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples, which was introduced in the Legislative Assembly on the 24th March, 1933.

Number of signatories.	District or Town.	Province.
11	Surat	Bombay.
11	Ahmedabad	Do.
3	Do.	Do.
26	Do.	Do.
9	Bhoniagar	Do.
2	Do.	Do.
9	Dakore	Do.
9	Ahmedabad	Do.
9	Dwarka	Do.
4	Do.	Do.
4	Jafarabad	Do.
9	Kundla	Do.
9	Nathadwar	Do.
9	Palam	Do.
9	Petlad	Do.
5	Radhanpur	Do.
9	Rupalkahol	Do.
9	Thana	Do.
9	Vitangam	Do.
9	Do.	Do.
12	Ahmedabad	Do.
4,135	Do.	Do.
8	Nellore	Madras.
2	Do.	Do.
4	Do.	Do.
4	Do.	Do.
5	Do.	Do.
15	Guntur	Do.
5	Do.	Do.
22	Do.	Do.
10	Do.	Do.
6	Do.	Do.
14	Do.	Do.
253	Do.	Do.
25	Do.	Do.
17	Do.	Do.
9	Gauhati.	Assam.
176	Do.	Do.
1,136	Do.	Do.
4,082		

THE MATCHES (EXCISE DUTY) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will now resume consideration of the following motion moved by the Honourable Sir George Schuster on the 19th April, 1934:

"That the Bill to provide for the imposition and collection of an excise duty on matches, as reported by the Select Committee, be taken into consideration."

Mr. K. O. Neogy (Dacca Division: Non-Muhammadian Rural): Sir, it is not possible at any time to be enthusiastic over any measure of taxation, particularly when that measure has the effect of increasing the price of a necessity of life by a hundred per cent all at once. But, at the same time, I must admit that I am not prepared to take the responsibility for opposing this Bill. The only redeeming feature about the measure, as far as I can see, is the unanimous support that it got from the Select Committee, a support which was granted in consultation with the manufacturing interests concerned. And, so far as I have been able to find out, the Bill has not evoked any large measure of opposition in the Press either.

Now, Sir, there is only one point to which I should like to turn just for a few moments, and that is the point raised in the minute appended to the report by six Honourable Members of the Committee. Reference has already been made to that point, and I only want to reinforce the observations made in that minute of dissent.

Sir, the Honourable the Finance Member in his Budget speech laid before the House the scheme that he proposes to follow in this matter. We are at one with him in thinking that if this measure is to be passed, it has got to be made effective in its administration, and for that reason we must provide Government with necessary powers to see that there is no leakage and that there is no illicit import of matches from any State into British India upon which no corresponding excise duty has been paid. For that reason we are in perfect agreement with the provision of clause 7 in the Bill. We have already incorporated a similar provision in the Sugar (Excise Duty) Bill, but I am not quite clear as to the exact reasons that have led Government into putting forward two different proposals in regard to two measures of the same kind. In regard to the Sugar (Excise Duty) Bill, Government are content to take the power to prohibit the importation of sugar from the Indian States unless a corresponding excise duty has been paid upon it. But, here, in the case of matches, we find that Government are embarking on a policy of joint action in which the States are expected to come into line with British India. In the case of those States which have got a match industry, they are expected to hand over to the Government of India the proceeds of any corresponding excise which they may levy, and the proceeds of the taxation both in British India and in the Indian States will be distributed on either a consumption basis or on a population basis to the Indian States. My Honourable friend has no doubt pointed out that having regard to the fact that the duty that is being sought to be imposed on matches is very high, the temptation for smuggling would be far greater in this case than in the case of sugar. Apart from that I do not find any other reason that could possibly support this differential treatment of the two cases. I find that, in the case of those States that join

in this understanding, the proceeds of the taxation will be distributed among the States of this class on an estimated consumption basis. That is what my Honourable friend said: but those States which have no match industry of any kind are also entitled to claim a share of the taxation that we are going to enable the Government to raise by this Bill; and here comes in another small point, because I find that in seeking to distribute a proportion of the proceeds among the States which have no industry, the basis which my Honourable friend proposes to adopt is not that of consumption, but of population basis. I do not know whether my Honourable friend makes any distinction between the consumption basis and the population basis, because I find that one of the points made in the minute to which I have referred is that the standards of consumption vary between British India and the States. But that is a small point. I should like my Honourable friend clearly to explain to the House the reason why a new departure in this particular manner is being made by Government. The House is aware that the Butler Committee devote one chapter of its Report to the financial relations at present subsisting between British India and the Indian States, and there they recommend that an inquiry should be made into the claims of the States that they are entitled to a share of the taxation which is imposed by the British Indian Legislature, but which is paid by the people of the States as much as British Indian subjects. I do not know whether any expert inquiry has taken place under that particular recommendation; but I know that there was a special committee appointed by Government. I think, in 1930, a Committee, presided over by Mr. Nind, went into this matter and the report is available in the Library of this House. As far as I remember, that Committee came to the conclusion that the States contribution to the British Indian Exchequer under the head "customs" alone is in the neighbourhood of about six crores of rupees annually. As against this, if you try to assess the legitimate contribution that can be expected from the States towards the Imperial burdens it will not be more than two crores or so—I am speaking entirely from memory. So the States have already a claim to a very large proportion of the taxation raised by the British Indian Legislature. And I should like to know from my Honourable friend as to whether it is in consequence of that claim that my Honourable friend is making this concession. . . .

The Honourable Sir George Schuster (Finance Member): Certainly not.

Mr. K. C. Neogy: I am very glad to have that assurance, because I thought that we might be creating a very dangerous precedent. This is not the only excise that the Government of India have imposed. There is, for instance, the excise on kerosene, not to mention the excise on petrol and the excise on sugar which we have agreed to impose by the measure we passed two days ago. I should like my Honourable friend to tell this House the reasons why he seeks to differentiate, the case of other excises from this particular excise, and I should like my Honourable friend also to tell us as to how he proposes to meet the claims of States, supposing they come up to Government and cite this as a precedent and ask for some relief in respect of their share of contribution to the British Indian taxation either in the shape of indirect taxation like customs or in the shape of any excise. I should, further, like to know how many States in India have at the present moment got any match industry of any consequence and what proportion of the total production in India is being manufactured in those States. Then, again, when I turn to the

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calculations which my Honourable friend makes of the distribution that he will have to make. I find that whereas he expects a total collection of three crores under this head, he expects to distribute Rs. 70 lakhs among the States: this gives us very nearly 77 per cent for British India as against a little more than 23 per cent roughly for the Indian States; but I have a recollection that in the report of the Committee which was presided over by Mr. Nind, the different commodities through which taxation is paid by the Indian States were classified under various heads, and one of the classes—the largest, indeed, of the classes, which they examined was in respect of the articles which are in universal use. In respect of that category of articles, the recommendation of that Committee was that the States could legitimately ask for no more than 20 per cent of the proceeds; and I may just mention that articles like salt, kerosene and similar articles which are in universal use find place in that particular class; and I should, therefore, like my Honourable friend to tell this House as to why it is that he proposes a higher proportion for distribution to the Indian States than what was recommended in the Nind Committee in a similar case. It is because I think that we may be up against future difficulties if we were to agree to such a departure in policy being adopted by the Government that I want to have a fuller discussion of this particular point than has so far taken place. So far as the question of Federation goes, I do not know whether we are entitled to take into account what the future may hold in respect of constitutional reforms. We have to deal with the present situation, and I think considerations, that have been advanced in regard to the position that might arise under a Federal Constitution, should be dismissed from our minds. I am not disposed to take the view that Government should hold their hands and must not seek to impose any taxation in those spheres which were contemplated by the Parliamentary authorities to appertain to the federal sphere of taxation in future. At the same time, I am also not prepared to take into consideration any argument that may be put forward by my Honourable friend that the claims, to which I have referred, as being put forward by the States, will be automatically adjusted when the Federation comes into being, and, therefore, as it is only for a temporary period that we are legislating, we need not take this particular argument very much into account. I take it, Sir, that if and when Federation comes, there will be ample time for us to consider these points, but I do not think that the Government have made out a strong case yet for the purpose of imposing a taxation in British India, not merely for the benefit of the British Indian Exchequer, but also for the benefit of the Indian States Exchequer.

Mr. N. M. Joshi (Nominated Non-official): Mr. President, I rise to oppose the motion which the House has been discussing. In my speech on the motion that the Bill be referred to a Select Committee, I had stated my grounds for opposing the imposition of this excise duty, and after reading the Report and considering the few changes which the Select Committee have made, I see no justification to change my attitude towards this taxation. I feel that the tax is wrong in principle, and I also feel that the tax is excessive. I admit that the Select Committee has reduced the tax by four annas per gross and it has also reduced the minimum amount. Still I feel that the tax is very excessive, even though I admit that in some cases the excise duty is justifiable.

Sir, I also agree with my friend, Mr. Neogy, that the imposition of this tax and the distribution of part of the proceeds among the States is likely to create difficulties for the future Federation. The Finance Member made light of these difficulties, and he stated that the amounts which would be distributed to different States would not be a material addition to the resources of those States. Sir, I do not take that view. I feel that even an addition of a hundred thousand or two hundred thousand,—and, perhaps, in the case of the larger States the amount may be larger,—these additions will, I hold, be so material to the present resources of the States^a that it will not be easy to get the rulers of the States to agree to part with this source of revenue in favour of Federation. I therefore, feel that it is a great mistake for the Government of India to make this arrangement at this stage. I have also a fear like my friend, Mr. Neogy, that hereafter the States will insist upon their securing shares of every taxation which the Government of India may impose. From this point of view, I think it is a wrong policy to make an arrangement with the Indian States. I fully realise that, when making an arrangement with the Indian States, there will be some difficulty, but I should have preferred to have met these difficulties somehow, instead of making an arrangement with the Indian States at this time and creating what we may regard a great difficulty in the way of the establishment of Federation.

Sir, before I close, I would like to say a word to the members of the Select Committee as regards the procedure followed in the writing of their Report. I say, like my friend, Mr. B. Das, that the Select Committee, by not making the evidence available to the House, has placed this House in a difficult position. Yesterday, I listened carefully to the speech of my friend, Mr. Raju, who was a member of the Select Committee. He stated that some people who are at present conducting the industry have given certain undertakings. The Finance Member said yesterday that the telegram which he mentioned was circulated to Members. As I stated yesterday, I had read that telegram, but I did not find in that telegram one condition which my friend, Mr. Raju, mentioned in his speech. Mr. Raju stated that one of the undertakings which the manufacturers of matches had agreed was to Indianise their superior staff. I did not see that condition in the telegram. The result is . . .

The Honourable Sir George Schuster: That, I think, was not discussed with the witnesses in the Select Committee. That is a matter on which Members of the Government made certain statements to the Select Committee.

Mr. N. M. Joaki: My point in raising this question is this, that the House is in a difficult position. Certain undertakings had been given, some are given to Government and some to the Select Committee, with the result that we are in a very difficult position. Up till now, we do not know what all the undertakings are. Are the undertakings complete by the condition stated in the telegram and also one more undertaking which the Finance Member has stated? I feel somehow in my mind that I am not sure whether I know all the undertakings which have been given. I would, therefore, suggest to the members of the Select Committee that when they decide to refuse to this House information on their own responsibility, they should consider their responsibility to the House. My friend, Mr. Mitra, yesterday told us that the Select Committee did not take evidence of certain people, but they had held certain

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informal consultations with certain people. That is not what is stated in the Report. What the Report states is this:

"We have also had the advantage of hearing the evidence of representatives of the main interests engaged in the match industry in India."

Either the Report does not state what actually happened, or the account of what actually happened given by Mr. Mitra is inaccurate. Either the evidence was given as stated in the Report, or it was not given.

In the first place, I feel,—and your decision on this position supports me on the whole,—that whatever is made available to the Select Committee by way of information should be made available to this House. You have in your wisdom left the wisdom to the Select Committee to decide what material should be made available to the House. Now, Sir, in the first place, I feel that even taking the Constitution, the Standing Orders and your ruling, a Select Committee of the House is not permitted to hold consultations with people who are not members of the Select Committee. There are some members of the Select Committee who say they held consultations with them; the Report says evidence was given. I am, therefore, in a difficulty. I shall, therefore, state what I feel taking into consideration both the alternatives. I shall take the alternative that the Select Committee held consultation with some members of the public. I feel that the Select Committee has really no right, under our constitution, to hold consultations with people who are not members of this Legislature. The House of Commons practice is that if a Select Committee wants to hold consultations with people who are not Members of the House, and not members of the Select Committee, they have to take the permission of the House itself. Take, for instance, the procedure followed in the case of the Joint Select Committee on Indian Reforms. They wanted to take into consultation delegates

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Honourable Member need not labour that point. Under our Standing Orders, the Select Committee has the right of hearing witnesses.

Mr. N. M. Joshi: I am dealing with consultation.

Mr. President (The Honourable Sir Shanmukham Chetty): What is the difference that the Honourable Member is making between consultation and the evidence? It is mentioned in the Report of the Select Committee that certain evidence was tendered before the Select Committee, but the Select Committee thought that it was of an informal nature and not important enough to be incorporated in the proceedings, and that is why they did not have a record of it kept. The position was made perfectly clear yesterday. What is it that the Honourable Member wants? If the Honourable Member would make any concrete suggestion, then the Chair thinks it will be useful to the House.

The Honourable Sir Brojendra Mitter (Leader of the House): May I say one word, Sir? The sort of thing that was discussed in the Select Committee was this. I will give an illustration. We discussed whether it was possible to make boxes of 50 splints or of 40 splints for a pice,

and there was an informal exchange of views with the manufacturers. Some said that they could make boxes of 50 splints, some said they could not. And the Select Committee were satisfied that it was more convenient that the boxes should be of 40 splints, and not of 50. It took about quarter of an hour or 20 minutes to discuss this subject. It was a mere exchange of views. Is all this to go into the Report? I object to it, otherwise the whole House should go into Committee instead of appointing a Select Committee.

Mr. N. M. Joshi: I am not very much interested as regards the actual evidence which was taken

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member, so far as the Chair has been able to follow, is trying to harp upon an imaginary grievance. The Chair would like to know definitely from the Honourable Member in what particular the Select Committee has violated its ruling and the Chair would further ask him to tell the House any concrete suggestion that he may have for the better convenience of the House.

Mr. N. M. Joshi: Sir, my first grievance is this. I feel that there is a difference between what you call consultation and the taking of evidence. I feel that the taking of evidence means the giving of information to the Select Committee, which, according to your ruling, is to be made available. I hold that, without the permission of the House, as in the House of Commons, no Select Committee should hold consultations with people who are not members of the Select Committee. I was, therefore, suggesting that we should follow the practice of the House of Commons, namely, that if the Select Committee wants to hold consultation with people, who are not members of the Select Committee, it should be done with the permission of the House. I was stating, when you intervened, that when the Joint Select Committee was appointed, the House itself gave permission to the Joint Select Committee to hold consultations with people who were not members of the House of Commons and who were not members of the Select Committee. I, therefore, suggest that whenever Government feel or whenever the Select Committee feel that they should hold a consultation with people who are not members, they should come to the House and ask the permission of the House. That is one of my suggestions.

Then, as regards the evidence itself. I feel that, as a matter of form, whether the evidence is important or not, the Select Committee should use its discretion in favour of giving the information to the House. I fully realise that your ruling gives them the permission. I am, therefore, appealing to the members of the Select Committee that, although your ruling gives them the right, they should not exercise their right in such a way as to deprive the House of the information which they have. Sir, it may be said that the information given was not of great importance. But, from hearing the discussion carefully, I have come to this conclusion that we do not know really how the Select Committee came to their conclusion, because I make a grievance of this fact that my Honourable friend, Mr. Raju, stated to us that a certain undertaking has been given,

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and, therefore, he was persuaded to approve of the proposal. Now, if that is so, and if the Select Committee had told us everything that happened there, we

The Honourable Sir George Schuster: May I point out to my Honourable friend that the particular undertaking to which he is referring has absolutely nothing whatever to do with this match excise proposal. Certain members of the Select Committee were interested, so far as a particular group of factories was concerned in making matches, to find out what had been done as regards the Indianisation of the staff. But it had absolutely nothing whatever to do with the match excise proposal. The Chairman gave them latitude in that matter. As a matter of fact, the Honourable Member for Industries and Labour gave them a report on the exact position which, I am sure, he would be very glad to repeat in this House. But it had nothing whatever to do with the proposal to impose an excise duty on matches.

Mr. N. M. Joshi: Then the speech of the Honourable the Finance Member clearly shows the difficulties in which the House is placed when the House is not sure that all the facts are given to the House. That is really my suggestion to the members of the Select Committee that they should not generally agree to withhold from the House any information which has been placed before them. Sir, as regards that matter, I would like also to make another suggestion. You have ruled that if the witnesses feel that certain information given by them should not be made public the Select Committee will have a right to withhold that information. There, again, I feel

Mr. President (The Honourable Sir Shanmukham Chetty): Not from the House.

Mr. N. M. Joshi: That is what I find:

"When witnesses are summoned by a Select Committee, it must be made clear to the witnesses that their evidence would be treated as public and is liable to be published unless the witnesses specifically desire that all or any part of the evidence tendered by them is to be treated as confidential."

Mr. President (The Honourable Sir Shanmukham Chetty): Read further.

Mr. N. M. Joshi:

"It must, however, be explained to the witnesses that even when evidence is tendered *in camera*, such evidence is liable to be made available to the Legislative Assembly."

Mr. President (The Honourable Sir Shanmukham Chetty): It cannot be kept confidential from the House.

Mr. N. M. Joshi: If that is interpreted to mean

(Interruption by Mr. S. C. Mitra.)

I quite realise that my knowledge of English is not as good as that of my Honourable friend, Mr. S. C. Mitra. But I wanted

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Why do you make personal aspersions? Who has questioned your knowledge of English being in England half a dozen times?

Mr. N. M. Joshi: Please be calm. Sir, I thought that this may give power to witnesses to give certain information in confidence. If it is made clear that no witness can say that the statements which he is making are made in confidence, then I have nothing more to suggest. I, therefore, feel that on the whole a Select Committee will be very wise in not deciding to withhold any information given to it by either Government or by witnesses. I hope that practice will be followed in the future.

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Mr. President, I support this motion. My Honourable friend, Mr. Joshi, has read the Simon Commission's Report; but, I am sure, he has forgotten it now. The Simon Commission Report says "that the development of the match industry in India was the result of almost prohibitive tariff amounting to 200 per cent *ad valorem*", and then it goes on to say that they are justified in imposing an excise duty on matches in all foreign countries. The Report says that Government lost about 1,72 lakhs in 1922, and, during 1930-31, the import duty amounted to ten lakhs as against 1,72 lakhs. Then the Report goes on to say:

"The incidence of a duty of this nature on an article of very common use is very small per head of the population and is little felt by the individual, but that care should be taken to fix it at such a level as to absorb, as far as possible, into the Exchequer the whole of the increase in price. The excise duty at the present rate of import duty is about 3 crores."

We met in the Select Committee, and, on the first day, we were told that unless it was reduced, it would not be possible to sell in the market retail one pice match box. It was Mr. Mitra who said that he had a Moslem gentleman from Calcutta representing the Indian match factory and that he had informed him that even if Rs. 2-4-0 per gross was imposed, if he was allowed to put 50 sticks in each box, he would be able to sell retail at a pice per box. I think that was the beginning of why we wanted to have an informal discussion with these representatives to find out if that was possible, and the next day that was arranged, and, if I remember aright, 60 per cent of the Indian-owned factories were represented before us by those representatives who were at that meeting. We gathered from the talks that it was not possible to sell 50 sticks in a box at a pice if we imposed a duty of Rs. 2-4-0 per gross. We found that the gentleman who gave that view of the matter knew nothing about the match industry in Calcutta, but his brother was interested in a firm of manufacturers. He was only a lawyer and he was here. On my own initiative, I sent telegrams to Bengal to find out the exact position of the match industry. I telegraphed to the Honourable Minister in charge of Industries from whom I received a reply direct, while my wire to the Government of Bengal was replied through the Central Board of Revenue, Government of India. According to the information received, it is clear that it is not possible to sell at a pice a box containing 50 sticks if we imposed a duty of Rs. 2-4-0. It is only possible to sell a box of 40 sticks at one pice if the duty is reduced from Rs. 2-4-0 to Rs. 2 per gross boxes of 80 sticks each. The Select Committee has done that and thereby has

[Mr. A. H. Ghuznavi.]

given satisfaction to the manufacturers and secured their co-operation which was necessary for success. The Select Committee also felt that the price of matches must not be so heavy as to make it difficult for the masses to buy match boxes as would indeed be the case if a duty of Rs. 2-4-0 and a box of 80 sticks were adhered to. Some of the members of the Select Committee were interested in what the Swedish Company was doing and what sort of wood they were using, and so on. They said that they were using about 85 per cent Indian wood. Then, we inquired from those who represented the Indian-owned factories. They said that they could not do that. I believe that the information received by my Honourable friend, Mr. Raju, to the effect that Indian wood was being used in the Calcutta factories was not correct. I telephoned last night to find out whether they used Indian wood in Calcutta for boxes. I am expecting a reply in the course of the next few hours. The representatives who attended the Select Committee stated that they found it difficult to use Indian wood for the simple reason that they could not make the thin sticks out of Indian wood, because they easily break, and, if a number of sticks were broken in a box of 40 sticks, the box would not be saleable. The second difficulty is that they have not the capital to import wood from the Andamans in large quantity and season it. The third difficulty is the white ants which destroy the wood and they lose the money. Although they very much like to use Indian wood, these were their difficulties, but they said that, to a certain extent, they were using the Indian wood so far as the boxes were concerned. In future, Mr. President, if Select Committees are held, let Mr. Joshi's name be included in them. Then we shall not have this grievance that this thing was not done and that thing was not done, and so on. If Mr. Joshi would have been there, everything would have gone on O. K. Without him every thing had gone wrong, and your ruling had been violated. The word "evidence" is not used in the legal sense.

Mr. N. M. Joshi: Explain what it is.

Mr. A. H. Ghuznavi: I will do so. We never consulted them. What we did was this. Mr. Mitra said that there were certain gentlemen who said such and such a thing would be possible. We wanted to test the truth of that. We wanted to know if they could put 50 sticks in a box and sell it at a pice each after paying a duty of Rs. 2-4-0. We wanted to find out if that was possible. They said that it was not possible. So far as the excise duty on matches was concerned, we have followed exactly what we had been told by the Tariff Board to do in case we imposed an excise duty on matches. The Indian Tariff Board also said that in case you do impose an excise duty on matches, remember this, that you should give a rebate of two annas per gross on matches in the case of cottage industries. As soon as my friend, Mr. Raju, brought this to the notice of the Honourable the Finance Member, the Government accepted the proposal. We do not want to hit these cottage industries. We want to support the cottage industry and we will give them two annas as suggested. With reference to what my friend, Mr. Raju, said yesterday—he has now taken my place as Member for Japan—as to a telephonic communication received by him from Japanese manufacturers in Calcutta, that

they would Indianise their factory, that they would admit Indian capital and they would Indianise their heads of departments, and so on, so far as Calcutta is concerned, I think I can claim to know more than any other Member.

Mr. President (The Honourable Sir Shanmukham Chetty): How is the 12 NOON. Indianisation of the match industry relevant to this Bill?

Mr. A. H. Ghuznavi: Mr. President, you allowed my friend to make the statement on the floor of this House . . .

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair quite agrees it did not realise the significance of what the Honourable Mr. Raju was saying, but now that Honourable Members are taking up the thread, the Chair is entitled to know how this is relevant. Simply because one Honourable Member was allowed to make some statement, that does not mean that the whole discussion can turn on that.

Mr. A. H. Ghuznavi: I simply wanted to answer my friend, but if you say, Sir, that that is out of order, I will not proceed any further. All I can say is that there is only one Japanese match factory in Calcutta. As to the other, only a portion of the capital is Japanese, but there is only one Japanese match factory in Calcutta—the Calcutta Match Factory, which is a limited liability concern. Then, Sir, Mr. Raju also made a little noise about the leakage. Well, Sir, all over the world a speculator is a speculator; that is not only in India, but all over the world. Gamblers will gamble. They speculate on intelligent anticipation; some make money, some lose, but if it is said there was a leakage, I want to maintain that there was no leakage, because there cannot be any leakage on which people could speculate. There was much gambling this time on salt throughout India. Having expected that the duty would be increased on salt, men flew in aeroplanes from Bombay to the Sambhar Lake to buy salt. A very big business was done in salt, and everyone of them lost money. This proves that there was no leakage. Generally speaking, people proceed on intelligent anticipation. They thought that there was going to be a deficit. Some money, they thought, had to be provided for Bihar, and there was an easy way of getting that money by an increase of four annas or six annas or even eight annas in the duty on salt, and they expected that that would come and, therefore, they speculated in salt. Had that anticipation been realised, it would have done away with all the struggle which the Finance Department had to go through (Hear, hear) in putting up this excise duty on sugar and matches, and so on. Sir, I support the motion.

The Honourable Sir George Schuster: Sir, there are only a few points with which I need deal. I should like to say that I am grateful to my Honourable friend, Mr. Neogy, for the very careful analysis that he gave of the position in relation to Indian States. I fully agree that all the points that he raised are points which deserve consideration, and I can assure my Honourable friend that they have had our consideration. My Honourable friend asked why it was that we adopted a different procedure

[Sir George Schuster.]

in the present Bill to that which we proposed as regards the sugar excise. The procedure proposed as regards the sugar excise was of course the normal procedure.

(At this moment, there happened to be lighted some match sticks in the Chamber.)

That is Japanese matches, I think?

Mr. A. H. Ghuznavi: Not Japanese matches.

The Honourable Sir George Schuster: But they smell very nasty. (Laughter.)

Sir, the reason that we have made a difference in this case is entirely a practical reason. In the case of matches, the great danger is that it is very easy to set up plant for manufacturing matches, and it is very easy to shift that from British Indian territory across the border into an Indian State. Moreover, the duty in this case is such a very high *ad valorem* duty that the temptation for taking steps to avoid paying the duty is very much greater. Thirdly, it is much easier to smuggle matches across the frontier, and it is much more difficult to check movement here than would be the case in regard to sugar. Therefore, our first necessity was to protect ourselves against that danger of factories being shifted from British Indian territory to the States. Now, in order to protect ourselves against that danger, we felt that the most effective means was to give the States concerned an inducement to co-operate with us; and I would remind the House that the position which we have created is a very special one. In return for this privilege of a share of the duty which we are promising to the States we get very definite undertakings from the States. They must undertake either not to set up factories at all, or if they do set up factories, to bring the revenue which they collect from the factories into the common pool. I think it is quite clear that that is a very special arrangement. We have never suggested anything like that in the case of sugar. On that ground, we came to the conclusion that it is not a dangerous precedent. We have also made it clear in all our communications with them—and this point I have already made before—that whatever is done now must not be taken as prejudicing the position under the Federal Constitution. We have made it clear that this excise duty is to be a federal source of revenue in the future.

Another point that has been made, though my Honourable friend, Mr. Neogy, did not stress it particularly, was that the population basis was unfair and gave the States too much. I said that he did not stress it particularly because, in the beginning of his remarks, he said it was a comparatively small consideration, but later, when he referred to our own inquiries through that Committee which was presided over by Mr. Nind, he pointed out that really they should only have been allowed something like 20 per cent. of the revenue and not the full percentage proportionate to their population. Well, we freely admit that under this provisional arrangement, which is only intended to remain in force until the new Constitution is set up, we freely admit that the States will perhaps get rather more than they ought to do, but it would have been impossible for us to deal with them

on any other basis except the simple population basis. That figure, calculated by our Committee, was a figure which we could not compel the States to accept. Moreover, it was an over-all figure for the whole of India. It would not have applied with accuracy to each individual State. In dealing with Hyderabad for example, or Mysore, we might have had to give them even something higher than the ordinary proportion of the population, whereas in dealing with small States, without any large towns, we should have had to go much below the average. I think the Honourable Member will admit that it would be an impossible task for us to try to work out accurately a basis according to the consumption in each case, and also that it would be impossible for us to get the larger States, with a higher standard of living, to accept anything less than an average population basis. I think, Sir, on reconsideration, my Honourable friend will agree that no other practical course was open to us.

Another point, that has been made by several speakers and particularly again by my Honourable friend, Mr. Neogy, was as regards the burden put upon the poorest classes by the imposition of this duty. Many speakers have given their assent to this measure with great reluctance, taking account of that particular ground. But there is an important consideration to which I would like to call the attention of the House, and that is that owing to the increasing competition among match manufacturers in India and owing to the increased efficiency of manufacture which has resulted, the price of matches has been constantly reduced. According to the figures given in the Tariff Board's report in 1924-25, it was only possible to produce a half size box for about one pice at that time, and that is the price which is going to be charged now to the public including the duty. So that even with the duty the Indian public will, I maintain, get their matches very cheap, not only in comparison with conditions that prevailed a few years ago, but, still more so, in comparison with conditions prevailing in other countries. I do feel that in this respect India can be well satisfied with the way in which this protected industry has grown up. In spite of the very high protective wall which has existed, the internal competition has been such that prices have been constantly reduced, with the result that, even behind the protective wall, purchasers in India have been able to get their matches very much cheaper than in other countries. I think there is no more I need say. I am glad to find that there is general support for this measure.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill to provide for the imposition and collection of an excise duty on matches, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 to 21 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir George Schuster: Sir, I move:

"That the Bill, as amended by the Select Committee, be passed,"



[Sir George Schuster.]

I propose to interrupt the even and harmonious tenor of these proceedings by making a speech. I must apologise for doing so, because, so far as the provisions of the Match Excise Bill are concerned, I have at this stage nothing more to say. But now that the clauses are through and I can fairly assume that the House will pass the Bill, I desire to review the whole position as regards our financial proposals. I must apologise for doing so, but I would ask the House to realise that so far as I am concerned this stage is something like a third reading of the Finance Bill, for it is only now that I can review the general plan which I have put before the House this year as a whole. I hope, therefore, that you will allow me to go rather outside the scope of this particular Bill, and that the House will bear with me if I do so.

The first thing that I have got to do is to explain the position as regards revenue from the Match Excise Bill. It has,—and I am sure the House will appreciate this,—it has become necessary for us to modify our original estimate of revenue for two reasons, first, owing to the change in the rates of duty, and secondly, in order to make what we consider to be proper allowance for the dislocation in the manufacturing side of the trade owing to the introduction of this new measure. As to the change in the rates, although we must now reckon on getting something less than our original estimates, we accepted the proposed changes in the Select Committee only after having convinced ourselves that we were likely to get more from the present plan than from our original plan, because the new plan allows a single box to be sold in the bazars at one pice.

I turn, therefore, to the second factor, dislocation to the industry during the period of transition. It is extremely difficult, I might say almost impossible, for us to make any reliable estimate of what we ought to allow for this, but we have satisfied ourselves after discussion with the manufacturers, that we must make a more substantial allowance than we had made in our original estimates, and here perhaps I may claim the merit, according to my Honourable friend, Mr. Mudaliar, of being a Member of Government who is willing to admit that he can on occasions make mistakes. Statements have been made in this House and in the Press about enormous accumulations of stocks issued to the market before 1st April, and several people have said that it will be very many months, possibly 10 or 11 months, before we start collecting any excise duty on new issues. So far as that is concerned, we are quite satisfied that those statements are exaggerated. I think we can fairly claim that the industry as a whole was not prepared for an imposition of match excise this year, and, therefore, there were no enormous stocks which had been accumulated in anticipation of that event before I made my Budget speech. Therefore, the only abnormal factor is work at extra pressure during the month of March, that is to say, the period between my Budget speech and the date of the imposition on new issues. We were told by one of the leading groups of manufacturers that, so far as they were concerned, and so far as they knew about other factories, it would be very difficult for any concern in that month to increase their rate of production by more than 50 per cent. of their normal rate. Therefore, if that is so, these rumours of huge stocks must be greatly exaggerated.

But there is another factor of dislocation, and that is, in the interval before the banderols are available, there must be some interruption in the

issues from the factories. We hope that the issues of banderols will begin early in June. I doubt if any one realises what an enormous bit of organisation it is to get these banderols made and issued. One has to provide for the printing and issue of something like 3,000 million banderols in a year. It is very difficult mentally to apprehend figures of that kind. As to the effect of this dislocation on our revenue in the first year, as I have already said, it is practically impossible to give an accurate figure. But we think that a reasonably approximate estimate will be that we may only have regular issues in the first year on a nine months basis and, as our revenue is collected retrospectively, that means that we should probably only collect eight months full revenue in the first year.

Now, obviously one has to consider what is going to be the effect of that on our proposals for transfer of revenue to Bengal and the other jute producing Provinces. In deciding how we should act in the matter, the first and the most important consideration is the fact, which I must gratefully acknowledge, that this Assembly has accepted the whole of our financial plan, except only that as regards the match excise duty, changes were made in the Select Committee which we ourselves had to accept as right and reasonable. The Assembly has not only voted the grant to Bengal and the other Provinces, but has approved the taxation measures which we have put forward as necessary to finance that grant. The principle has, therefore, been accepted by the Assembly, and there can be no going back on that. It would have been different if our proposals have been cut down from what we ourselves had stated to be necessary. As it is, the Assembly having approved our plans, Bengal's position is assured, and we are not going to let Bengal down now. Now, we consider that, even with the modified rates, the yield from the match excise duty will in a full year be sufficient to support our proposals; but I have to take account of the reduced yield for the first year owing to the fact that, as I have already explained, we cannot collect the full year's revenue. That is a factor which we cannot ignore and, obviously, I should be very unwilling not to face that fact, particularly as this is the last occasion on which I shall have to deal with public finances. Now, it seems to us that the most straightforward course to follow is to say and reproduce this in our estimates—that we will only estimate on the basis of eight months collection of the match excise and that correspondingly, for the first year only, we should reduce the grant in the Budget, the transfer to Bengal and the other Provinces, to an eight months basis: Translated into figures, that means that we shall reduce our estimates from match excise to 120 lakhs, and the grant to the jute producing Provinces to 126 lakhs, which will leave a surplus in the whole Budget of ten lakhs. But—and this is what I want to emphasise—that concerns the form only of our Budget estimates, and we are not going to let Bengal suffer on that ground. We propose to tell Bengal two things, first if the Budget estimates turn out better than our anticipations, then we will correspondingly increase the transfer to them and secondly—this is the most important point,—as any shortfall in the full transfer will increase Bengal's deficit and, therefore, her deficit debt; we will take account of this when we come to settle with Bengal, as we shall have to do, how we are to deal with that deficit debt. Anyhow, the practical effect is,—and again I want to emphasise this,—we intend to see that Bengal shall in effect get in one form or another the full help even for this year that the Assembly intended, while as regards the future, the principle of the transfer is accepted and that is the main thing which really matters to Bengal.

[Sir George Schuster.]

I must add one more statement which I have made many times already, and that is that the whole of this proposal has been put forward on a very definite condition, namely, that the Government of Bengal must satisfy us that they are doing everything possible on their side to restore equilibrium. I must, not only in justice to the other Provinces but also in order that our action may not be misunderstood, make this clear beyond all question, because the essential justification for our proposal has been that there was a special need in the case of Bengal and that, without this help, it was beyond their power to restore their own position. We shall take this matter up with the Government of Bengal as soon as this Session is over.

Now, Sir, if I may claim still more latitude from you; having explained this position, I want to make some general remarks on the reactions of our proposals this year on the question of Federal finance. I want to do that not only with reference to certain things that have been said in this House, but also to certain things which have recently been stated outside in other countries. In this House, it has been said that we are making things more difficult by our proposals this year for the Federal Government of the future. We, on the contrary, feel—and I may say that that was one of my own chief purposes in formulating this whole plan,—we feel that we are actually clearing the path for a future Federal Government and doing something to lay the foundations for Federal finance. In the first place, we are, as I have already explained, taking in advance one of the first steps which a Federal Finance Minister would have had to take, the step of meeting the need of Bengal which has been accepted in all the constitutional discussions as a prior claim. In the second place, we are laying the foundations for a steady revenue from sugar which, otherwise by the time that a Federal Government could have come into being, would have entirely disappeared. In the third place, we are taking the first step to develop a new source of revenue from matches which the Federal Government will most certainly need. By taking this step well in advance of the new Constitution, there is a prospect that this new source of revenue will be flowing smoothly and at its maximum capacity by the time that a Federal Government comes into existence. I would remind the House that we contemplate that, as time goes on, this source of revenue should increase. The difficulties of establishing a new measure of this kind have been well illustrated by the difficulties of which I have just had to take account, affecting the dislocation of the industry when we first introduce a measure of this nature, and I feel that it is very much to the good that we should get over these difficulties and have the measure smoothly working, well before the Federal Government comes into existence.

Now, Sir, that leads me to a second aspect of the matter which I wish to take this occasion to mention. Statements have recently been made in England by former officials of the Government of India who, if I may say so, seem to arrogate to themselves an authority to speak on these subjects, which increases in proportion as their own direct experience of Indian administration grows out of date, statements have been made that there must be some enormous adventitious increase to India's public revenues—and one speaker has put the figure at 20 millions sterling or something like 30 crores—before it will be safe to start the new Constitution. I cannot understand this line of argument. It seems to me that it is a most unfair way of presenting the situation. Obviously, in the present period of world depression, public finance in every country requires most

careful handling, and no Government in any country can in these times launch out on extravagant programmes of social expenditure. But I do not see why it should be assumed that the new Governments in India will not face the necessities of the situation; and indeed if one could choose the moment for starting these new Governments I myself, if I were Providence disposing of these matters, would certainly think it better to let them start in times when money was tight, and when they would be forced by absolute necessity to proceed cautiously at the outset. If they were to come in during boom times, when revenue was flowing freely, then they would inevitably accept commitments up to the limits of their resources, and the country might find itself saddled with permanent expenditure far beyond its normal average resources. Periods of prosperity may be far more dangerous to Governments in the financial way than periods where economy is enforced. (Hear, hear.)

But there is another side to the matter, the kind of statements to which I have referred seem to lay it down as a condition that there must be some automatic improvement in the situation, and they entirely ignore all that Governments themselves can do to meet it. I believe myself that there are still sources of revenue which can be developed without putting impossible burdens on the country. Let me give one example. One source on which many countries rely for a very important part of their revenue is taxation on the consumption of tobacco. At present, practically nothing is raised on this in India. A very moderate levy in a vast country like India should produce very large sums. Now, this is a field which at present lies with the Provinces. Its full development is, I acknowledge, a matter of very great administrative difficulty, and plans will have to be worked out step by step. We have from time to time discussed this matter with Provincial Governments, and several Provinces are now taking first steps in this direction, but I believe that this could be proceeded with more actively. I only mention this as an illustration, because I think it important to protest against a certain attitude of mind which implies that constitutional advance is impossible until some miracle comes to improve the situation. I do not for a moment ignore the difficulties of the position, nor that there is an even more dangerous attitude of mind which implies that, somehow or other, on the inauguration of the new Constitution, it will be possible to make huge transfers from central revenues to the Provincial Governments on the strength of which, new ministries will be able to earn popular applause by embarking on grand programmes of expenditure on education and other social services. That, I am afraid, is a dream which one has no justification at present to expect to come true, and it would be fatal folly to start the new Constitution on that expectation. All the Governments, both Federal and Provincial, are going to have,—as Governments are having in every country in the world,—an extremely difficult time, unless there is a fundamental improvement in the situation. But that does not mean that the new Governments cannot function,—if Ministers are worthy of their salt and are prepared to face their difficulties and convert them into opportunities.

Now, Sir, in the financial proposals of the present year we have made an effort, a modest effort but at least an honest effort, by facing difficulties of this kind to prepare the path for the new Constitution, and I have tried to provide something in the way of an answer to statements which parade financial difficulties as an obstacle in the path of those who are honestly working in England for the new Constitution. However unpopular new taxes may be, I trust that this House and the public outside will interpret

[Sir George Schuster.]

our proposals in this way. I trust also, to come back from the distant goal to these first steps, that the Government of Bengal, after the support which our proposals have received from this Assembly, will be able to face its own immediate and abnormal difficulties with a new spirit of hope.

There is one other matter to which I should like to refer in concluding this general review, which, although it is somewhat outside the budgetary proposals, is closely connected with the general purpose which I have been describing for preparing the way for the new Constitution. I refer to the Reserve Bank. That of course is one of the essential preliminaries, and it was for that reason that we worked intensively and put extreme pressure on the Indian Legislature to get the necessary Statute enacted this year. I am glad to have had a share in this work. I regret greatly that, it has not been my lot not only to pilot the legislation, but also to take the first practical steps for the inauguration of the Bank. I can, however, say that since the passage of the legislation we have been constantly occupied with the necessary preparatory work, and that my successor will turn to this as one of his first tasks after his arrival. I also hope shortly to be able to make an announcement of a step which we propose to take to prepare for the agricultural credit department of the Bank, which is a matter in which, I know, this House is greatly interested.

Sir, I must apologise for straying rather wide in my remarks, and I thank you for the latitude you have allowed me. It seemed to me that as this is one of the last occasions on which I shall have the privilege of addressing this House, this was a convenient opportunity to make these observations, and I thought it was fair to make them before the third reading debate on this measure, instead of making them when I finally reply in conclusion. (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

“That the Bill, as amended by the Select Committee, be passed.”

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I just wish to say a few words on the speech that has just now been delivered by my Honourable friend, the Finance Member. I am very glad indeed that he has not let Bengal down. I have said previously that we from Bengal consider the jute export duty as entirely belonging to our Province, and that the Government of India when they took hold of it did a great wrong to Bengal. However that may be, we are glad that justice is at last being done to Bengal. I only wish that even the estimate for this year had not been reduced to a small extent, because Bengal, as we know is in very dire need of finances. Sir, I may say that when the representatives of other Provinces consider this grant as the good luck of Bengal, this is really because they have not, if I may say so with great respect, quite understood the situation. So far as we are concerned, we do not want to deprive any other Province of its just dues and if we have claimed the jute export duty for Bengal, we have done so because we are convinced that there are special conditions and circumstances connected with this duty, which distinguish the case from other similar sources of revenue.

My Honourable friend, in what will be practically his last speech before he leaves us, has expressed his opinion once again that some of the new taxes that he has imposed, far from hampering the inauguration of Federal Government, will help it. I know that there is considerable difference of opinion as regards this matter, but in this instance, I have held the opinion from the very beginning that my Honourable friend is in the right. Most of us feel that the inauguration of a Federal Government will be attended with a great many difficulties, specially in the financial field, and I think it is just as well that duties, which are set apart for the future Government of India, should have been levied now, and the difficulties that lie in the way of their collection should have been met by experience by the time the new Government is installed. That is my personal opinion, though I know that some of my Honourable friends on this side differ from me in that respect.

So far as the new taxes are concerned, sugar duty and duty on matches, I do not wish to say anything more on the subject. But there is one feature of the new laws that have been passed in anticipation of the future Constitution, which I cannot pass by without comment; and that is the new Ordinance laws. I hope that when we launch a new Constitution of the type that is in contemplation, it may be possible for the Government to repeal these severe repressive laws that have been passed to meet a situation which, we believe, has passed away. We are especially anxious in this respect, because we feel that laws curtailing the ordinary political liberties of the citizens of India may be taken advantage of under a different Constitution for purposes for which they were not contemplated. I do not think I shall be justified in saying anything more on the subject at present.

As regards the financial prospects of the future Government, I do hope that fresh sources of revenue will be available, or rather fresh increases of revenue will be available to the future Governments through rise in the income of the people and development of the resources of the country. Every one must recognise that that may not be possible in the very beginning, but we may hope that of the future Government when the new Constitution comes into force, the real concern will be not to follow the maxim, safety first, but that they will take bold steps to increase the resources of the country.

As regards the Reserve Bank, my Honourable friend has told us that his successor will be in a position to take steps to inaugurate it as soon as possible.

Let me in conclusion assure my Honourable friend, who is leaving us after having been associated with us for the last five years, that we all hope that he will continue to have distinguished opportunities for making full use of his great talents, and we wish him all success in his future career.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I particularly welcome the last statement of the Honourable the Finance Member on the question of Federal finance, as he has silenced some of the critics on this side of the House and outside in the country. I am glad he has replied to those false prophets in England, those retired Indian civilians, who sometimes rouse themselves from their slumber and bring out fantastic stories of deficit of thirty millions, if the Federation will come into existence. To these very retired civilians living on the fat pensions which they draw from India, the statement, that the Secretary of State made before the Joint Parliamentary Committee, is always readily available. The Secretary of State, in the statement which he made on the 6th July, 1933, before the Joint Parliamentary Committee, stated that the total deficit, if the Federation comes into existence, will be from six to ten crores, but he added that of this six to ten crores, the real deficit will be 1½ crores, namely, three-fourths of a crore for the new Provinces, and another three-fourths of a crore and a little more for the formation of the Federation. Let me quote his passage:

"The first fact is that the greater part of this deficit, call it, if you will, from 6 crores to 10 crores, is due not to the setting up of the Federal Government in the Centre, but to the setting up of autonomous provinces upon a self-supporting basis. Next a second fact that emerges is that a very small part of this deficit, take it if you will, at the highest figure, say, of 10 crores, is due to actual fresh expenditure. If you analyse the figures, you will find that, apart from a comparatively small sum, namely, about three quarters of a crore, for setting up the new machinery in the provinces, and a figure of about the same amount, namely, about three quarters of a crore for setting up the Federal institutions in the Centre, the rest of this amount is not fresh expenditure at all, and it is due in the main to two changes in the allocation of the revenues of India, namely, first of all the change, supposing Burma is separated from India, of leaving Burma two or three crores, that it now contributes to the Indian Central Government," etc., etc.

I do not wish to quote further, but, Sir, these false prophets in London, these retired civilians, might support the diehard Churchill crowd as much as they like, but they should not tell wild goose stories to embarrass the Secretary of State or the true intentions of the Government of India about the coming Federation.

Sir, our Party, the Democratic Party, during the discussion on the demand for grants, raised a discussion on the Federal finance, and at that time, although the Finance Member was cryptic in his reply, he said that Sir Walter Layton laid down that the Provinces would collect 24 crores of rupees from additional taxation, but these Provinces have not done anything towards that. That gave me grounds to fear that neither provincial autonomy was coming nor the new Constitution was coming, and, therefore, I welcome the final statement which the Honourable the Finance Member made today, that Federation, the new Constitution, is in sight and that he has levied this excise duty on matches with a view to adjusting financial conditions in the Provinces, so that the Federation will be in sight shortly. I would, therefore, ask the Finance Member, when he goes back to England, from his responsible position as the ex-Chancellor of the Exchequer of India, to make an authoritative statement to the British Press to silence these critics who have tried to undermine the financial credit of India. Sir, some of these financial critics are ex-civilians; they have even demanded that their civil service pension fund should be capitalised, and India should hand over so much capital to London, so that they can be safe and secure in drawing their pensions. That people who ate the salt of India can make such absurd statements in the British Press and before the British public

Mr. President (The Honourable Sir Shanmukham Chetty): Order, order. The Chair allowed the Finance Member as a special case, since this is practically his last speech in this House, to review the financial position of his proposals. That does not mean that the House is to launch upon another Finance Bill discussion stage. The Chair can allow Honourable Members just to throw some bouquets or stones at the Finance Member, but they cannot launch upon another discussion of the Finance Bill.

Mr. B. Das: I have almost finished, and I hope within a month that statement of the Finance Member will be cabled back—by that time the Finance Member will be in England resting with gratification and pleasure.

Sir, I will only touch another point to which the Finance Member referred, and that is about the Reserve Bank. I hope the Reserve Bank is coming, but as the Finance Member and the Government of India could not give any time to discuss the position of silver, I do hope that the position of silver is the same as it was mentioned in the Reserve Bank Select Committee, that the Government of India will not touch that silver until they take the assent of the House and the emphatic opinion of the country at large, and that the Government of India will not utilise that silver, the fifty crores of surplus silver rupees that are lying in stock with the Government of India.

Now, Sir, I have one more point to touch upon, and that is about the present Match Bill. My Honourable friend gave it out,—I do not know how they will print three thousand million banderols per annum,—I do not know which Department is going to take charge of it, whether the Nasik Printing Press or the Postal Department,—it is a new novelty, but I do hope that they will print them on cheap paper and on paper made in India, so that these match factories may not have to pay very heavy charges for those banderols, and incidentally this enormous printing may encourage the Indian industry.

And, lastly, the Finance Member advised the Bengal gentlemen here and the Bengal Government to set their house in order. The trouble with Bengal is that Bengal has too many absentee landlords. I also suffer in Orissa through the Bengali landlords who are absentee landlords. If Bengal does not develop and prosper economically, it is due to the absentee landlords who never look after the welfare of their people.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): This is the last occasion when I can get up and express an opinion on the work done by the Finance Member. No doubt, I had differences of opinion with him, and very considerable difference of opinion, and I left no stone unturned in pressing my view point expressing the same in full. But there are certain things in him which, even though one differs from him, one ought to admire. One thing which stands above all others is that he never lost his temper. We had to use strong arguments, and they were expressed in such a manner that one was tempted to lose one's temper. But my Honourable friend always kept cool mind, and that was one of the greatest and strongest points of the Finance Member. He always took our criticisms in good spirit, both in this House and in the Committees, and he always tried to meet his opponent in full and do whatever he could do without violating his principles. Of course, principles stand first, but, consistent with the principles, he tried to meet the arguments and desires of Members on the Opposition side. This is a

[Dr. Ziauddin Ahmad.]

trait which we always admired and appreciated. Again, whenever we advanced any arguments from this side, he never used the famous Mill's fallacies, though I myself referred to them for the sake of strengthening my own position. He appreciated our arguments, though on certain occasions, he did not pay the same attention to them as they deserved, but all the same he tried to meet them in full. He had a very difficult time to face. Hardly any of his predecessors had to face such difficult times as my Honourable friend within the last few years had to do. It was a great thing to have achieved all that he succeeded in realising. He has maintained the credit of the country in the world. As I said on the last occasion, and I repeat it once more, the value of the $3\frac{1}{2}$ per cent sterling loan is the barometer of our credit, and it stands at the highest level higher than it attained for many years. It has gone up to 90. It is really a great advance. No doubt he had to take extraordinary action; he had to present two Finance Bills during one year. The result of all that is that he has smoothened the way for his successors. He has done the spade work, and there is almost smooth sailing for his successor. There is very small amount of short term loan which we have to pay, the rate of interest has been reduced, and the future Finance Member or the future Minister of Finance under the Federation will be in a good financial position.

Now that the difficult problems have been solved, time has come to think out the constructive side, capital expenditure and scientific theory of taxation. Had he more time, he would have been engaged in more constructive work than he had been engaged during the last two or three years when he had no time to breathe. He has bridged the road and cleared off the thorns and the future Finance Member will now be able to think out and act on the constructive side of the question—that is the whole theory of taxation, on what principles taxation should be levied, whether a commodity can bear that taxation, whether it is elastic or inelastic, and if inelastic, what is the amount of inelasticity in it—that is a thing which will have to be considered very carefully by the Government. The Honourable the Finance Member, Sir George Schuster, had no time to think out in this direction: he had to face an enormous problem, we had to keep our head above water in an honourable manner.

The other question which will have to be considered by his successor is the theory of protection. We have been giving protection to commodity after commodity without considering the details of it, without considering what would be the effect on general finances and on consumers. This subject will have to be considered very carefully. My Honourable friend would have paid more attention to it, had he had more time.

Another point that will have to be considered is the question of the Tariff Board. I am convinced that there is something substantially wrong in the manner in which the Board is appointed, the manner in which the members work, and the manner in which their recommendations are accepted by the Government. All these things will require very careful consideration and will have to be worked out in greater detail. The Finance Member had no time to consider all this, but the time has come when this subject should be tackled.

We shall miss Sir George Schuster very much. We shall miss his eloquence, his patience, his calmness and cool temper and above all, we

shall miss his expert financial knowledge which was a great asset to the country and a great asset to the Government of the day. The traditions which he has set up will, I hope, be followed by his successors. I repeat once more that my Honourable friend had a very difficult time, and that most of his time had to be spent in preparing the ground for the future Finance Members.

Reference was made to the Reserve Bank Bill. No doubt we differed, but once a decision has been reached in this House, all of us now agree that we must spare no effort to make it a success, never mind whether it is a State Bank or a *Nimboo Nichor* Bank. We fought and fought to the end, but once a decision has been reached, I assure him that we on this side of the House will try our best to make it a success, and if the expectations of the Finance Member are realised, he will have our blessings, and we will admit that we were mistaken and that he was right. My friend wants me to relate one more story. I thought I had given enough of it. Somebody published an article in which all the stories and jokes we enjoyed during the Reserve Bank Bill discussion are gathered in one place.

In conclusion, I wish my Honourable friend God-speed, and I wish him *Basalamat Ravi O Baz Ayi*. We wish him a happy journey, and we earnestly hope that he will come back to this country and that we will meet him again. With these words, I support the motion.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muham-madan): Sir, yesterday the House passed from sweetness to light. We passed the Sugar Bill, and we took up the Matches Bill, sugar representing sweetness and matches representing light. On principle, I am opposed to the imposition of an excise duty on Indian industries, but there are special circumstances in which such duties might be imposed in the financial interests of the country. In that view of the matter, I gave my assent to the imposition of the sugar excise duty and, it is in that view also, that I assent to the imposition of an excise duty on matches. Match in these days is a necessity of life. It is used in the poorman's hut as well as in the princes' palaces. In the palace, if the electric light gets fused, the whole palace is plunged into darkness and they want the candle to light up the palace, and then matches are brought into requisition. Therefore, match is a thing which is a necessity both to the rich as well as to the poor. It is more a necessity for the poor man than for the rich man. I hope that this duty which we are going to impose on matches will be of a temporary character. A few years ago, there was an excise duty on the cotton textile industry in Bombay, to which a strong and sustained protest was launched both outside and inside this House, with the result that Government were compelled to recognise the justice of the case, and the excise duty on cotton goods was abolished. I hope when the financial situation improves, it will not be necessary to maintain this duty on matches. The match industry in India is in an infant stage, and every legitimate encouragement should be given for the industry to develop and to establish itself in this country.

There are certain representatives of foreign firms who have monopolised the match market in India, and it is necessary that, if they take advantage of the excise duty on matches which we are going to impose they should also bring their industry into line with Indian requirements in the matter of providing Indian personnel and rupee capital in their industries. In this connection, I may be permitted to read out one telegram which I

[Mr. Gaya Prasad Singh.]

received from Burma, as to how the proposed excise duty is sought to be evaded. This is a telegram from Mandalay, from Mr. Abdul Karim, President of the Indian Association. This is what it says:

"Match manufacturers taking undue advantage of duty enhancement by not selling matches since the 28th February and concealing matches in separate godowns to escape from duty and to make heavy profits from concealed stock after 1st April. Government will lose heavily and poor people will suffer for nothing."

This is an instance of how people have taken undue advantage of the proposed imposition of the excise duty, and I hope Government will take whatever efforts are needed to see that the burden on the consumer is not put very heavily, and that the practices of some of these unscrupulous manufacturers of matches are put a stop to.

I do not want to take up any more time of the House and I will conclude my observations with a personal note to which reference has already been made by my Honourable friend, Dr. Ziauddin Ahmad. Whatever differences there might have existed on many matters between ourselves on this side of the House and the Honourable the Finance Member, I would gladly state that both in my capacity as a member of the Standing Finance Committee for many years and also as a member of the Joint Select Committee on the Reserve Bank Bill, I have found in Sir George Schuster a Chairman who has accorded to us unfailing courtesy and who has tried to do the best under the circumstances and to be helpful to the members of the Committee. I am not used to using language of flattery or anything like that, but as this is practically the last occasion on which Sir George Schuster's connection with this House will terminate, I only want to put on record that Sir George Schuster has displayed never-failing patience, and his attitude has always been helpful to us, who have had to work on Committees with him. This does not mean that I have agreed always with his financial views on all matters, but in his personal capacity, I have no hesitation in saying what I have said. He carries with him our best wishes. With these few words, I support the motion that the Bill be passed.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): I wish to confine myself to the Matches Bill and just say a few words with reference to the observations of the Honourable the Finance Member. First, with reference to the effect of levying this excise duty, on the coming into operation of the Federation, I want to make clear the position of those who entertained some apprehensions regarding the future. It is perfectly true that the Honourable the Finance Member, by levying the excise duty at this stage, has prepared the way, has made it possible for the preliminary work to be undertaken, and has made it simpler for the new Federation to levy a duty, if and when it chooses to do so, but the objection we took at an earlier stage was this. If the Honourable the Finance Member is going to give to the States the benefit of these excise duties, whether it be the sugar excise duty or the match excise duties, whether it should be directly collected by the State as on the sugar excise duty or indirectly obtained by the State by means of a payment from the Government of India to the States concerned, in either case we apprehend that States having got once the benefit of this duty and having used this for their revenue purposes, they will find it very difficult indeed to consent to transferring this into a purely Federal source thereafter. That is to say, if State A gets the benefit of the sugar excise duty which it levies on the manufacture of sugar within

its precincts and if State B gets on a population basis about 14 or 15 lakhs of rupees from the match excise duty, I say that there is nothing theoretically impossible in the Federation later on deciding that it should be a Federal tax, but when the question of voting comes up, all the States, which have made it a matter of personal interest to obtain this revenue, will be certainly against the granting of it to the Federation; whereas the position of British India will be that it will continue to be a Central revenue. I am also doubtful whether, when the Federation comes in, the States may not say that in view of the deficit of the Central Government's budget to the extent that these excise duties are collected from British India, they should be a Central source of revenue for the Central Government just as, for instance, income-tax is, and to the extent that they are utilised by the States, they should be at the disposal of the States. That, Sir, is a fair position of the apprehension which some of us have felt with reference to the prematurity of the levying of these two duties.

Sir, there is one other question that I should like to refer to. A great deal has been said about the Bengal jute duty. Now I want to make my position perfectly clear. It is true that, in the various Round Table Conference Committees, it was agreed and decided that Bengal should get at least fifty per cent of the export duty on jute. I stand by that position. Now, if the Honourable the Finance Member had come and told us that, irrespective of the position of the Government of India and their budgetary conditions, Bengal should get, as a matter of right, as a matter of justice, half the export duty which may, in course of time, become the full export duty, back to itself, then I do not think any of us can question that proposition or can grudge Bengal what she is going to have. (Hear, hear.) It is a matter of justice, because, the export duty being an export duty on a monopoly which Bengal alone produces, there is no reason—and that I understand is the Bengal case—why from the date of the War when this duty was first levied, the benefit of that duty should not go to Bengal. If he had come and merely said: "I am now obliged to give up this export duty on jute, either in whole or in part, because I realize that Bengal has a claim to it", then none of us could have said anything, and the duty of the Honourable the Finance Member, then, primarily, and secondarily and ultimately of this House, would have been to treat the amount lost as a deficit in the general revenues of the Government of India, and then to set about finding ways and means by which that deficit could be made good; but my Honourable friend has not suggested any absolute giving up of that duty up to fifty per cent. at least to Bengal, but he has put forward an interlocked proposition, if I may say so. He has combined that with the proceeds of the match duty. He has said that the benefit of it should be to the extent of the revenue that he gets from matches, and today his speech on the third reading of the Bill shows that Bengal will only get 120 lakhs by way of a straight grant. Probably, he was thinking of the balance by way of a loan which could be later adjusted, with interest or without interest, or wiped off from the succeeding years of match excise duty. He has said that that is the proposition,—that to the extent that the match excise duty

The Honourable Sir George Schuster: May I explain the position? That is only as regards this year. Afterwards, any sort of connection between the match excise and the transfer of the jute duty ceases. It is merely for this year, when we can only collect eight months' revenue from the match excise that we suggest postponing the date of the transfer. I am merely

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saying that as a basis for explaining why we have got to do it in that way. But hereafter, the principle is accepted, and the connection between the match excise duty and the handing over of the jute duty ceases altogether. I have merely explained why we have to do it in a certain way this year. (Loud Applause.)

Diwan Bahadur A. Ramaswami Mudaliar: Very well, I accept that position. In any case the House has the proposition that the match excise duty was inextricably connected with the grant of assistance to Bengal. If that is the position of my Honourable friend, then what is the meaning of his statement that he should keep a close watch on the finances of the Bengal Government, and that the latter should see to it that all proper retrenchments are carried out by the Bengal Government, and that the Bengal Government should satisfy the Government of India that it is carrying on its administration in the most economical way so that it may get the benefit of this? If, as my Honourable friend now suggests, in this year fifty per cent of the jute duty will go to them irrespective of the duty he gets from matches—and I accept that position—then I ask again what is this position that he has laid down, that the Government of India must satisfy themselves that Bengal is doing all that she possibly can by way of retrenching her expenditure? Let me read from the Honourable the Finance Member's speech delivered on the occasion of his introduction of the Finance Bill:

"If we are prepared to take account of this and ask the Central Legislature to support us in raising funds to help Bengal, we can also fairly claim to be satisfied that the Bengal Government and Legislature are doing all that is possible to help themselves. Everything which I have to propose is subject to this condition"

and the Honourable the Finance Member has reiterated that condition to-day on the floor of the House, and I take it that that condition obtains not only for the current year but for some years to come.

The Honourable Sir George Schuster: That will be settled once for all in the current year, after the inquiry this year, but once it has been made, then it will be settled once for all.

Diwan Bahadur A. Ramaswami Mudaliar: I am very glad my Honourable friend has illustrated what was apparently to me at any rate a rather dark proposition. I take it that the Government of India are going to closely consider the question of the finances of the Bengal Government—the way in which it is administered, the amount of economy or retrenchment that is being carried out by the Bengal Government, and so on. Now I turn to my Honourable friends from Bengal and ask them to co-operate with us in this matter. They have got their jute duty. There is no question about it. Now, it is their duty to co-operate with all other sections in this House, and to put pressure on their own Government and on the Government of India to see to it that the administration in Bengal is carried out economically as in other Provinces, and that their resources are not frittered away as in the past, and that their administration is not more top-heavy than it can be helped.

Sir Abdur Rahim: That applies equally to all other Provinces,—not exclusively to Bengal, surely?

Diwan Bahadur A. Ramaswami Mudaliar: Leave us alone. You do not care to come to our help here. We have been for the last hundred days beating our heads against a stone wall and asking that the Government of India should do something merely to prohibit the importation of cheap rice and the dumping of cheap rice into our Province

Mr. S. C. Mitra: We supported you in that.

Diwan Bahadur A. Ramaswami Mudaliar: But, until this moment, we have not got any satisfactory reply.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): We did support you on that point.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, I cannot understand why the finances of Madras should be scrutinised by the Government of India when the Madras Government is not going to get a penny from the Government of India, when it depends upon its own local taxation, when it depends upon its own retrenchment and does not want the Government of India to come to its help. I only want to enter a caveat against the proposition that other Provincial Governments and their Administrations and their finances also should be scrutinised in the same way as the Bengal Government's Administration is going to be scrutinised. The Honourable the Finance Member has stated that, in view of this remission of the export duty, the Bengal Administration will be scrutinised. I would ask my Honourable friends from Bengal—will you, as public representatives, see to it that pressure is brought to bear upon your Government to see what they can do in the matter of economising your Administration costs? Sir, here let me quote the opinion of a Bengali—not of a person who comes from another Province—an Indian correspondent who is eminently reasonable, as his contributions to the *Statesman* will show.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): You mean it is Mr. P. N. Guha?

An Honourable Member: This gentleman is against all political advance as is well known.

Diwan Bahadur A. Ramaswami Mudaliar: Well, he may be against all political advance, but he is certainly not against the Bengal Government. He is one of those who supports Government—unlike those who are always against Government. Sir, my Honourable friend, Mr. Mitra, accepts that this gentleman is not one of those who are generally speaking keen critics of Government. Now let us see what this gentleman says. Writing on the 4th of March in the *Statesman*,—very soon after my Honourable friend made his speech asking the Central Legislature to take the case of Bengal into its special consideration,—he says:

“In asking the Central Legislature to take the case of Bengal into its special consideration, Sir George Schuster has laid down a special condition and that is that the Government and the Legislature of Bengal will do all that may be found possible to help themselves and he concluded with the following significant words: ‘Everything which I have to propose (for Bengal) is subject to this condition.’ The question will, therefore, naturally arise if the Government and Legislature of Bengal are doing all that can be done to help themselves. The exact position in this connection cannot be

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explained briefly, yet it can be said safely that the Legislature of Bengal did all it could, but the Government did not. Two successive committees appointed at the instance of the Bengal Legislative Council to find out ways and means for retrenchment recommended the curtailment of over two crores of rupees in the expenditure, but the Government of Bengal has not seen its way to retrench even a quarter of the amount. The Swan Committee thought that the size of the Cabinet of the Governor could be reduced, but the Government has decided that 'no action will be taken to reduce the size or the emoluments of the Cabinet pending the introduction of the new reforms'. As to the question of Hill exodus, the Government thinks that 'in these abnormal times when urgent matters which require the attention of the Government as a whole are so numerous it is not possible to abandon the second visit to Darjeeling'. Further 'it has been decided to make no reduction in the number of Secretaries,' and 'no reduction in the number of Divisional Commissioners is considered practicable in the present condition'. So forth and so on. It is for the Government of India and the rest of the world to judge if the Government of Bengal is helping itself although the lines on which such help can be secured have been indicated by the Legislature of Bengal."

Now, Sir, I do not suggest that this statement is absolutely sacrosanct, but it is a statement by one who does suggest, that the whole question of retrenchment in the Bengal administration deserves to be looked into. I, therefore, appeal to my friends from Bengal that, when that question is taken up by the Government of India, they should try to see that the Government of India examines the whole position courageously and carefully, if I may say so.

Sir, as regards the match tax itself, however much I may dislike it, I know that it is going to be passed, and I am not going to oppose it, merely because it is not practical politics to oppose this tax. It is certainly a handicap to the poor man, and, in spite of the amendments that have been made by the Select Committee, we know that in the retail market the match box is going to be a heavy luxury hereafter to the poorer classes.

There is only one other aspect of the question that I should like to state. I was very thankful to hear the Honourable the Finance Member stating somewhat boldly, if he will permit me to say so, this morning his criticism of those people, either in this country or in England, who out of their anxiety not to see the reforms being granted and out of political motives are trying to pervert the situation. They are suggesting obstacles where none exist, and are throwing all sorts of terrors into the way of reforms, so that those, who have not had the time to study these questions, may be easily frightened. I was very glad to see that the Honourable the Finance Member, from his responsible position here in this House and as a custodian of India's finances during the last five years, was able to get up and say that, while undoubtedly the situation is very difficult, it was certainly not hopeless; that, while undoubtedly the future must be looked at with care, it certainly was not such as to be an obstacle to the inauguration of the new scheme of reforms. I am aware that there are a certain number of retired Indian civilians in England who, it must be said to their credit, have carried on a propaganda in favour of reforms and have tried to place in their proper perspective the difficult problems that are in our way. I am also aware, in fact, most of us are aware that, on the other hand, there are some—I shall not say many—who, out of sheer perversity, if for no other reason, have done their best to do disservice to this country.

My Honourable friend referred to future Ministers who, if they were worth their salt, would try their level best to see that the finances of the Provinces and of the Centre were put on a proper basis. I have no doubt that the occasion will find the men. Every country has found it so. And in spite of what may be said by some of the critics among my own countrymen, the despairing critics who think that nobody can do the job well except themselves, the people who out of a heightened sense of their own self-esteem are in a position to decry all democratic forms of Government, and who suggest that none of their countrymen will be in a position to discharge their duties properly if placed in a place of authority,—I say despite all that, none of us has really any doubt that the occasion will find the proper men. If we are given the responsibility and the opportunity, then there are patriots enough in this country who will take courage in their hands, and who will face unpopular measures if they have to face them and carry them through if they are for the benefit of the country. Therefore, I am very glad that the Honourable the Finance Member has suggested that there is no point or not much point at any rate in these dark criticisms which are going on sometimes in this country and more often in his own country and I can only echo the hope that has been addressed by my Honourable friend, Mr. B. Das, that, when Sir George Schuster returns to his country, he will try to plead—I won't say plead for my own country—for truth, for justice, for fairplay and for judging all these questions on their merits, and not through prejudiced spectacles. I will only like to associate myself with all that has been said about Sir George Schuster in his personal capacity and as the Finance Member of the Government of India.

Mr. A. H. Ghuznavi: Sir, I never thought that the question regarding the finances of the Bengal Government will be raised in this Honourable House on this Matches Bill. I will briefly state to my Honourable friend that this is not a dole that the Government of India are going to give us, They have been robbing us all these years of our money, and they have recognised, rather late in the day, that it was not fair and they are giving us back a portion of it.

Diwan Bahadur A. Ramaswami Mudaliar: That is exactly what I said. Of course, I did not use the word "robbery".

Mr. A. H. Ghuznavi: I am coming to that. My Honourable friend, the Finance Member, has said that they would like to scrutinise the finances of the Bengal Government, to see whether it has been able to carry out retrenchment, and whether it has made every effort to live within its income. His remarks were not made, as far as I could understand, with regard to this duty. Bengal is a deficit Province and it needs money badly. By all means retrench in order to balance the budget. That is what the Finance Member is going to see, as to how far Bengal can reduce its expenditure and how far it needs the help of the Government of India to balance its budget. This duty legitimately belongs to us, and it is with the greatest difficulty and after so many years of agitation that His Majesty's Government have recognised that it is our money and it should be given to us. My Honourable friend, Diwan Bahadur Mudaliar, was on the Federal Finance Committee, and he must know that the Committee has recognised that this money should go back to Bengal.

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Mr. Mudaliar's grievance is that in one breath the Government say that they must see that the Government of Bengal must carry out retrenchment in order to reduce its expenditure, and in the other breath they say that here is the money we are giving you. But my point is this, so far as the Finance Member's statement is concerned, the Government of India are going to look into the finances of Bengal, not with regard to this particular duty, but to find out whether the money that the Government of Bengal will get from the jute duty will enable it to balance its budget. That is why he wants to go into the finances of Bengal. Then, Sir, I am grateful to my Honourable friend that he does not grudge us getting back what we call our money, of which we have been deprived all these years. In the morning, I referred to Calcutta on the telephone and I got the telegram now. This is what the telegram says:

"Percentage using wood Esavi Match, Japanese 50, German 30, Indian 20. Calcutta Match, Japanese 40, German 20, Indian 40. Indian Factories use both Japanese and Indian. Small manufacturers use all Indian. Labourers being all Indians working nine hours a day, about fifty per cent day work and fifty per cent piece work allowing half day work. *Nishi.*"

This is the telegram that I have received from the Chairman of the Japanese Commercial Museum.

Sir, coming to my Honourable friend, Sir George Schuster, I should say that the Members from Bengal are very grateful to my Honourable friend for, as I said during the Budget discussion, he is the first Finance Member of the Government of India who has recognised the legitimate claim of Bengal to the jute duty, and it is in his hand that Bengal has at last received some tangible recognition of her just dues. Mr. President, I sincerely wish my Honourable friend good health and a contented life, and all the rest will follow for such an intelligent and active mind as his. (Applause.)

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, this Bill will soon be passed into law, and I see that the whole House is ready to give its support in passing this Bill. I wish to make some observations with regard to a certain controversy that has taken place just now in the House, and I think it my duty to give expression to my views and to give vent to the views of those whom I have the honour to represent in this House. The duty which may be realised from this match excise may go to Bengal or to the exchequer of the Government of India. I have not got much quarrel about that. I have one word to say about the principle underlying this controversial matter. My Honourable friend, Mr. Ghuznavi, may like the principle, because he is gaining, and this may not be liked by my Honourable friend, Diwan Bahadur Mudaliar, because his Province is not being treated similarly as Bengal. If we accept the principle that the jute export duty should go to Bengal, only because Bengal has not got sufficient money to meet her expenditure

Mr. A. H. Ghuznavi: That is not the principle.

Mr. Muhammad Yamin Khan: Because Bengal has got a deficit Budget and jute is its produce, and, therefore, she should be treated favourably by this House, I say, Sir, I am not ready to recognise that

principle. If we accept this principle, then similar claims may be made by other Provinces. The one great factor, which has contributed to the deficit in the Bengal budget, is that Bengal has got permanent land revenue settlement. In other Provinces, we are paying land revenue on an enhanced scale. If in the United Provinces we are paying a land revenue of, say, Rs. 1,000 on a particular piece of land, we find that in Bengal they pay Rs. 200 on a land of the same area. In the circumstances, the Bengal Government should come forward and touch the pockets of those who are enjoying a certain privilege in the shape of permanent settlement. I submit, Sir, that the people in other Provinces are not enjoying similar privileges, and yet the Government have shown this differential treatment between the various Provinces.

Mr. A. H. Ghaznavi: Is the Honourable Member aware of the "sun-set" law in Bengal?

Mr. Muhammad Yamin Khan: As a zamindar, I ought to know what "sun-set" law means. I know that property may be confiscated if land revenue is not paid to Government within a particular time. In other Provinces also the zamindars are not treated leniently by Government. They do not go scot-free if they cannot find the money to pay land revenue to Government within a fixed time. The zamindars in the United Provinces and other Provinces may not be treated so harshly as the Bengal zamindar may be treated in a particular way. But yet he has got a definite time, a definite period within which to provide the money. I am not concerned with the difficulties which the zamindars, in common, experience in all the Provinces. I am only referring to the particular ingredient that is contained in this principle, and I am only referring why the Bengal Government cannot find sufficient funds to meet its deficit in the Budget. We find in other Provinces like the United Provinces or the Punjab that the settlement is being revised every year in one district or the other. I find that in the neighbouring district of Bulandshahr and other places the land revenue settlement took place in 1917 when the prices were very high, and the land revenue was fixed according to that scale. In Bengal, however, we find that the land revenue was fixed in the time of Lord Cornwallis when grain was being sold at one rupee per maund, while in the other Provinces we find that the last settlement was made when grain was selling at five seers to a rupee. This is a hard fate not only to the zamindars in those Provinces but also to the tenants. We find that if we cannot make up our deficit, we have to provide the stamp duty and other duties which it is the duty of the Government to provide. If the Bengal Government is unable to meet its budget from the revenues ordinarily collected, they must find out the people who are enjoying special privileges undisturbed for several centuries and get money from them somehow or other, because similar classes of people in other Provinces are paying increased taxes to the Government. The Government should try some means or other. I do not suggest any means, because it is not my concern to suggest ways and means for Government. It is the Government that have to find out the money. The Bengal Government claims that the export duty on jute should be ear-marked for Bengal. Well, Sir, if this principle is accepted, on the same analogy I urge that all the money received in the shape of excise duty on sugar should primarily be utilised by the United Provinces. The claim of my Honourable friend from Bengal for the jute duty is based on the principle that jute is the monopoly of Bengal and that

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Bengal is exporting jute, and so she should get all the duty. Similarly, I say, Sir, that the United Provinces produces all the sugar that is consumed in India, and the revenue that is derived from this sugar excise duty, I do not say, should go to the pockets of sugar producers, but I say that all this money realised in the shape of excise duty should be handed over to the general revenues of the United Provinces.

Mr. S. C. Mitra: You are eating sugar, whereas we are exporting jute.

Mr. Muhammad Yamin Khan: If my Honourable friend is ready to start eating jute, I have not the slightest objection, I have no quarrel with him in that respect. Let him eat jute. I do not mind if in Bengal they devise some other means of living, that is by eating jute. But we, in the United Provinces, not only eat our own sugar, but we also export sugar, not only to Bengal, but to other places, we export to Madras, we export to Bombay, and the sugar that is produced in the United Provinces is not wholly consumed by the people in the United Provinces alone, but by other people also. I submit, Sir, that as far as the principle of export is concerned, it means not only export to countries outside India, but also export from one Province to another. While Bengal is exporting jute, we in the United Provinces are exporting sugar to other Provinces. I must say that my friend is creating many difficulties. The principle here is whether the tax realised from the produce of a particular Province should go to that Province or to the Government of India. The United Provinces produce more sugar than other Provinces, and the Government of India are imposing an excise duty. They are perfectly entitled to do that, because the manufacturer is making large profits which he is not giving to the cane grower or to the consumer. Let half of it go to the Government of India and half to the pockets of the people who have put up the factories. But the principle is whether the Government of India should get it or it should go to the provincial exchequer. That point remains, and it will create complications and once this principle is accepted it will create a loophole for many things. My Bengal friends will next time say that Bengal exports a lot of rice, and, therefore, the rice duty should go to that Province. My friends from the Punjab may say that they are exporting large quantities of wheat and the export duty should go to their Province. I place the export duty on the same level as the excise duty, because in principle they are the same. On the same analogy, I may argue that why should not the United Provinces get the excise duty on sugar which is produced there and on which the tax is paid there?

The Honourable Sir George Schuster: I may point out to my Honourable friend that, if the United Provinces stopped producing sugar tomorrow, as far as the revenue is concerned, we should benefit greatly, because we should have to import from Java large quantities of sugar and thereby we would realise the much heavier import duty; whereas, if Bengal stopped producing jute tomorrow, there would be no export of jute and we should get no export duty and our revenues would suffer. The two cases are entirely different. |

Mr. Muhammad Yamin Khan: There is something to be said for that argument, but at the same time Government have to look to the interests of the people as well. If we stop producing sugar, certainly Government

will gain by having a good customs duty, but the people who are in this particular industry will be losers. My friend will know that imports into India are being paid by the export of gold, and if we had not so much export of gold we could not have all these imports into India. The result would be that India would be impoverished in two or three years. The producers of sugar-cane in the United Provinces have come to the rescue of Government in establishing financial stability, and Government cannot ignore that factor. I quite agree that this is a debatable question, and many factors have to be taken into consideration, but the principle remains whether a tax realised from one particular Province should go to that Province or to the Government of India. That principle I contest and we cannot agree to that at all. I will not go into minute details, because this is not the time for that, but if I had the time and the opportunity, I could show that the argument is not so strong as it appears to be.

Sir, this is the time when we must bid farewell to Sir George Schuster, and this is perhaps the last day when he is taking part in the debate of this House. The whole House will miss him and I am sure he will be missed also by the people who will come here next year and occupy these seats. But, I am sure his achievements will remain memorable and will always be remembered by the people of this country for the great benefit he has rendered to them. I am glad that my Honourable friend, Dr. Ziauddin Ahmad, who opposed the Reserve Bank tooth and nail, has now offered his co-operation in working it, and that the whole of that side will co-operate in making the Reserve Bank a success. I feel that it is a great advance for the people of India which the Finance Member has helped to create for their benefit, and this is a great step towards self-government for this country. I think he has rendered great and signal service to this country which will be always appreciated and remembered as a great boon. Sir, I support the motion.

Mr. S. O. Mitra: Sir, I repeat what I said yesterday that we have to support this motion for putting an additional duty on one of the necessities of life with the greatest reluctance. But the exigencies of the occasion demand it and I think we are well advised to accept the motion. I would only like to say a few words about the contribution to Bengal. We, from Bengal express our gratefulness to the Government of India and to Sir George Schuster in particular, for making the point absolutely clear that the contribution to Bengal is not necessarily connected with this match duty, though for the current year it has a necessary connection to a certain extent. I do not like to argue very much with my friend, Mr. Yamin Khan. I think he made a fundamental mistake when he missed the difference between an excise duty and an export duty. I shall merely tell him that there is no excise duty on jute: the hessian that is produced in Bengal and is consumed in Bengal or the United Provinces is not taxed. It is only on the export of jute and its manufactures that the duty is put. I shall leave it at that. I think on further consideration Mr. Yamin Khan will revise his opinion, because when he sees that the Government of India are not getting larger duties from sugar, the amount of revenue from imported sugar has been much reduced, the excise duty alone is not going to give them that amount: as a matter of fact the Government by their protective policy have encouraged Indian industry though it has meant loss of revenue in total.

[Mr. S. C. Mitra.]

As regards the other points raised, I agree with my friend, Mr. Ghuznavi, that Bengal had a rightful claim all these years to a bigger proportion from the total revenues. I shall only quote some figures to show that, by the Meston Award, Bengal was deprived of its real claims as the Province having the largest population. Bengal, with a population of 46,694,000 had an annual revenue in 1921-22 of 8.94 lakhs, while the United Provinces, with a population of 45,315,000, had a revenue of Rs. 12.38 lakhs; and Madras, with a population of 42,318,000, had a revenue of Rs. 15.39 lakhs, while Bombay, with a population of 19,348,000 had a revenue of Rs. 13.26 lakhs. From this it will be clear that a big Province like Bengal having the largest population had a very low actual revenue; and if we refer to other figures, the contribution of Bengal to the Central revenues will show the apparent injustice done to Bengal. I quote the figures of 1928-29 which show:

					lakhs.
Madras:					
Customs Revenue	...	...	...	...	4.93
Jute tax	...	...	...	...	...
Income-tax	...	...	...	...	1.31
Salt tax	...	...	...	...	90
Total					7.14
Bombay:					
Customs	...	...	...	...	2.26
Jute tax	...	...	...	...	...
Income-tax	...	...	...	...	3.17
Salt	...	...	...	...	41
Total					5.84
Bengal:					
Customs	...	...	...	...	5.45
Jute tax	...	...	...	...	3.99
Income-tax	...	...	...	...	6.15
Salt	...	...	...	...	1.00
Total					16.59
United Provinces:					
Customs	...	...	...	...	5.30
Jute tax	...	...	...	...	...
Income-tax	...	...	...	...	90
Salt	...	...	...	...	97
Total					7.17

From these figures, it is amazing that Bengal pays to the Central revenue 16.59 lakhs, and next come Madras and the United Provinces with about 7.41 lakhs each. If Mr. Yamin Khan has any sense of equity, he will feel that it is not as a matter of grace, but it is the remedying of an

injustice from which the Government of Bengal has suffered all these years, and the result has been that the nation-building departments have been starved. The Government, as everybody knows, will not curtail much expenditure on law and order: so what will happen,

Mr. Muhammad Yamin Khan: I never said this.

Mr. S. O. Mitra: I fully agree with my friend, Diwan Bahadur Mudaliar, that the expenditure of Bengal, as of all other Provinces, should be fully scrutinised in these very hard days: but there should not be any impression that the Bengal Government all these years did nothing. I would only like to read just a few sentences to show what they have done during the last ten years:

"The Government, however, had still to face a large deficit, and in 1922 they presented three Bills to the Legislative Council, one of which provided for the taxation of amusements and betting, and the other two for increase of Court-fees and of stamp duties. A substantial increase of registration fees was also imposed a little later by executive order. At the same time Government closely scrutinised their expenditure and effected retrenchments amounting to Rs. 70,52,000 in 1921-22 and to Rs. 48,88,895 in the following year. In 1922-23 a Retrenchment Committee was appointed to explore the possibilities of further economies. The ultimate result of their recommendations was a saving of Rs. 37,50,000. These measures did not entirely relieve the Government of Bengal of their anxieties. Though retrenchments were possible in some directions, in others an increase of expenditure was unavoidable. In particular, the post-war revision of pay had added to the cost of every department. From 1925-26 onwards, however, the position improved slightly and Government were able to carry on for some years without seriously trenching on the provincial balance. The general economic depression then began to affect the revenue receipts, which fell from Rs. 11,35,00,000 in 1929-30 to Rs. 9,66,00,000 in 1930-31. The Government of Bengal again took up the question of retrenchment, and in that year and the next they effected further economies to the extent of Rs. 44,28,000."

So it cannot be said that the Government of Bengal have not tried to economise. But I agree that if there is still room for economy and retrenchment, it should be done.

My Honourable friend, Diwan Bahadur Mudaliar, was referring to a statement in the *Statesman* contributed by its Indian Political Correspondent, where he has suggested the recommendations of the Retrenchment Committee about the abolition of the posts of Divisional Commissioners, the larger salary of executive officers and the question about exodus and that these should be seriously considered. Sir, I would only like to emphasise that these are not peculiar to Bengal. I have great sympathy for retrenchment on these matters, but they are common in all Provinces. I think to some extent, some of the expenditure could certainly be curtailed, as they have done in Bombay, by abolishing the number of Executive Councillors and Ministers, and we would welcome any move on the part of the Government of India to impress upon the Local Governments to practise economy in the manner adopted by Bombay. But, as I said, the trouble is not peculiar to Bengal alone, it is common to all the Provinces alike.

I should like to give one warning, and I hope here I shall have the sympathy of my friend, the Diwan Bahadur, that Government should not put pressure on Provincial Governments to retrench expenditure only on nation-building departments. In Bengal the money granted to the nation-building departments like Public Health, Sanitation, Education, etc., was hardly sufficient to meet our requirements, and, as was shown by my

[Mr. S. C. Mitra.]

friend, Mr. Raju, Bengal has been the worst sufferer in all these matters, and I feel that the Government of India would be very much ill-advised, if they pressed the Local Governments to curtail their expenditure on the nation-building departments. I think this will satisfy my friends that it was not any special mercy or favour that we wanted, but bare justice should be done to remedy an old wrong that was continued all these years on Bengal.

The Honourable Sir George Schuster: Sir, I desire to be very brief. I am glad, in the first place, that I had an opportunity of making it clear that there is no connection between the proceeds of the match excise duty and what we are doing for Bengal, except that it was necessary for us to ask the House to approve of the match excise duty this year, in order to enable us to carry out the proposals of Government. I might just as well have connected the sugar excise duty with that proposal or any other form of tax, but the only reason why the match excise duty was connected with it was that if it had not been for this proposal to make the transfer to Bengal, we should not have proposed the match excise duty; while we should in any case propose the sugar excise duty, because we thought that was necessary for other reasons. Now, Sir, I do not wish to start upon any sort of hair-splitting definition of the precise significance of what we are proposing for Bengal,—whether we are acknowledging a right or giving a debt, or in whatever way it may be described. I would just like to explain again what our position in this matter was. In this, as in other cases, we had to approach the question from a strictly practical point of view. Our position was that of bankers who were responsible for financing Bengal. We had to say to the Bengal Government: “we cannot allow this piling up of deficit debt to go on; either you yourselves should stop it or we must recognise the fact that your position is so bad that it does not lie within your power to do so”. On that broad issue, we were quite clearly convinced that it was not in the present circumstances within their power to do so, and, therefore, we came forward with this proposal. But we still retain our position of bankers in regard to Bengal, and it is no use our making this proposal unless they on their side are going to help and fill up the remainder of the gap and restore equilibrium. That is really the position. We were not in a position ourselves to decide at this stage, as a matter of right, that half the export duty was to be transferred, because that is part of the constitutional plan in the White Paper which is still under consideration. Therefore, we had to approach it from a strictly practical point of view, and I hope I have made that position clear. We certainly do not intend to be unreasonable with the Government of Bengal, but we do feel that it is not only necessary from the point of view of the finances of India as a whole, but also probably desirable in their own interest, that we should take seriously that condition which I first mentioned as regards this grant.

Now, Sir, apart from that, I think I need say no more. I would only like to take this, which is the last occasion when I shall speak on an important measure, for I trust that no serious speeches need be made on the Mechanical Lighters Bill,—I would just like to take this occasion to say a few words as regards my own relations with this House. I should like to thank all Members of the House for the help which they

have at all times given to me when I have asked for their help and co-operation. I have one particular instance in my mind. If I have achieved anything of value to the Indian position in the course of my tenure of office as Finance Member, I think it is perhaps the way in which we tackled the question of retrenchment. Any one can impose new taxes, but retrenchment is a much more difficult thing to tackle and a much more real achievement when it is achieved. In that I asked for the help of this House, and we followed an unusual procedure in appointing Retrenchment Committees from this House. I can only say that from my own point of view that procedure was a great success. It helped me enormously, and I have always taken every opportunity to thank those Members of the House who sat on those Retrenchment Committees, worked unremittingly, and I think produced very valuable results. One does not like to single out special names; but perhaps the House will agree with me that I might in this connection single out the name of my friend, the Leader of the Opposition, for he had to preside over the most troublesome Committee of all, and there is not the slightest doubt that his Committee was by far the most hard-worked of all Committees. I thank him, and I thank all the other Members of the House for the help which they gave us on this side on that occasion, and I may say that on no occasion that I have been here when we have asked help of that kind, on no occasion has it been denied to us. I have also received the most valuable help from the Members of the Public Accounts Committee and the Standing Finance Committee, and it has always been a very great pleasure to work with them. I can only hope that on their side the Members of this House, who served on the Retrenchment Committees and on the Standing Finance Committee and the Public Accounts Committee, feel that they have derived some value from their work. I feel myself that one can see signs of the value in the discussions which we now have. I feel that particularly the work on the Retrenchment Committees has taught Honourable Members opposite a great deal about the way in which Government Departments are carried on and has enabled their criticism to be much more accurately directed than hitherto. That is all I think that I need say, except if I might, to congratulate the House on having gone through an exceedingly long and arduous Session in such a good heart and in such good temper.

I feel, Sir, that we owe a special debt of gratitude to you for having kept the House so cool. No one knows, Sir, where you got the money with which to do it. But at least we can all of us appreciate what has been done, and if I might say so, in this and in all other ways, you, Sir, have always helped to make the discussions in this House pleasant and valuable and conducted in a way, not only suitable to the convenience of Members, but suitable to the conduct of public business.

Sir, I feel I have nothing more to say, except to express the hope that friendships started in this Assembly may continue ever after.

Mr. President (The Honourable Sir Shanmukham Chetty): Before the question is put, I would like to join my Honourable colleagues in expressing to the Honourable the Finance Member our good wishes on his retirement from this country next week. (Applause.)

It has been my privilege to have been a severe critic of his for over three years, and for the last one year, I have watched the effect of the criticisms on him from a more detached sphere. (Laughter.) I have also felt that, however much we might have differed from the Finance Member, he has always shown a genuine spirit to understand our point of view. (Cheers.)

[Mr. President.]

I have also had experience of working with him on Committees and it is specially when we are engaged in important work on Committees that we realise how important and useful was the way in which he guided the deliberations of the Committees. Very often, when the Non-Official Members were not in a position to tackle the official witnesses in a proper manner, it was the Finance Member as the Chairman of the Committee that came to the rescue and help of the Non-Official Members. (Cheers.) Honourable Members have expressed a desire that Sir George Schuster should come back to us. Whether he comes back to us or not—we would certainly be delighted if he comes back to us—we have no doubt that when he goes back, he would in any opportunity that might present itself to him keep the interests of India at heart, and that he would have many opportunities of serving the common interests of India and England. (Cheers.) I wish him all God-speed and a happy sojourn in his own native land. (Cheers.)

The question is:

“That the Bill, as amended by the Select Committee, be passed.”

The motion was adopted.

THE MECHANICAL LIGHTERS (EXCISE DUTY) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I move for leave to introduce a Bill to provide for the imposition and collection of an excise duty on mechanical lighters.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That leave be given to introduce a Bill to provide for the imposition and collection of an excise duty on mechanical lighters.”

The motion was adopted.

The Honourable Sir George Schuster: Sir, I introduce the Bill.

I now move that the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be taken into consideration.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

“That the Bill to provide for the imposition and collection of an excise duty on mechanical lighters be taken into consideration.”

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): At this far end of the Session it is rather unfair to the Non-Official Members to support that the Bill be immediately taken into consideration. Unless the Finance Member shows that there are some definite urgent reasons and that the finances of India will substantially suffer, I think it is rather unfair to suspend the Standing Order and take this Bill of taxation without any notice into consideration.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member has raised an objection to taking this Bill into consideration, and unless the Chair suspends the Standing Order, the Bill cannot be taken into consideration. But before the Chair decides to exercise that right, the Chair must be satisfied that it is absolutely essential to carry this Bill through today.

The Honourable Sir George Schuster: This matter was discussed in the Select Committee. We only introduced this measure in order to safeguard ourselves against a possible serious loss of revenue. As a matter of fact, if any serious objection is taken to proceeding with the measure now, we feel on our side that, as long as it is known by the public that a measure of this kind is under contemplation, it will be quite sufficient to prevent anybody starting the manufacture of mechanical lighters in this country. So far as any danger of abnormal imports from outside is concerned, we could, for the time being, prohibit imports of mechanical lighters, if we find that there is a serious danger of over-stocking in the market and losing match excise revenue. So, if Honourable Members opposite feel that it is not fair to them to consider this measure now, we should be prepared to agree either to a motion of reference to a Select Committee or to a motion for circulation. We have served our purpose by introducing this Bill.

Mr. President (The Honourable Sir Shanmukham Chetty): So far as the point of order is concerned, the need for exercising the power of suspending the Standing Order would arise only if the Bill had not been made available for the use of Members three days before the motion was made. The Chair understands that the Bill has been made available, and, therefore, there is no need of suspending the Standing Order. But, the Chair understands that Government are prepared to accept a motion for circulation or for reference to a Select Committee, and, therefore, the House might cut short the debate if one of those motions was moved.

Mr. Bhuput Sing (Bihar and Orissa: Landholders): As Government are agreeable to accept my motion, I need not be very long in my arguments. I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st July, 1934."

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member had better make it 30th June.

Mr. Bhuput Sing: I have no objection, Sir. The purpose of my moving this amendment is this. In the Statement of Objects and Reasons, it is stated that there is not, as yet, any established industry in the manufacture of mechanical lighters in India, and I do not know how the industry for the manufacture of them may be established overnight. If they want to manufacture, they must get machinery from abroad in the first instance before they can ever start. With this high duty of two rupees per lighter, there is absolutely no chance of this industry being ever established here. Government, by bringing forward this Bill, want to forbid the manufacture.

The Honourable Sir George Schuster: I am quite prepared to accept the motion for circulation as I have already announced. Possibly my Honourable friend will not feel it necessary to argue the case.

Mr. Bhuput Sing: I want that opinions may be invited from the match industry, from the importers of these lighters and from the customs authorities as to the number of mechanical lighters imported for the last few years, and whether that will affect the consumption of matches or not. These are points which will have to be considered when inviting opinions. Moreover, the definition of a mechanical lighter is a very wide one. Even a small toy which produces a spark will come under the definition, and that is not right. This point also must be considered in the meantime, and there are other things also for consideration by the Government. I move my motion.

Mr. B. Das (Orissa Division: Non-Muhammadan): I oppose the whole Bill and the circulation motion also.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1934."

The motion was adopted.

THE INDIAN ARMY (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Army Secretary): Sir, I move for leave to introduce a Bill further to amend the Indian Army Act, 1911, for certain purposes.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That leave be given to introduce a Bill further to amend the Indian Army Act, 1911, for certain purposes."

The motion was adopted.

Mr. G. R. F. Tottenham: Sir, I introduce the Bill.

RESOLUTION *RE* EXCISE DUTY ON MOTOR SPIRIT FOR THE PURPOSES OF ROAD DEVELOPMENT.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, I beg to move the following Resolution:

"In supersession of the Resolution adopted by this Assembly on the 4th February, 1930, as supplemented by the Resolution adopted by this Assembly on the 3rd October, 1931, this Assembly recommends to the Governor General-in-Council that:

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than two annas per gallon, and the proceeds thereof shall be applied for the purposes of road development

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum equivalent to the share in such proceeds arising from motor spirit used for purposes of civil aviation during the calendar year ending in the financial year concerned, and such sum shall be at the disposal of the Governor General-in-Council for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Account.

3. (1) The annual block grant shall be allotted as follows :

(a) a portion equal to fifteen per cent shall be retained by the Governor General-in-Council as a Central reserve;

(b) out of the remainder there shall be allotted—

(i) a portion to each Governor's Province for expenditure in the Province;

(ii) a portion to the Governor General-in-Council for expenditure elsewhere in British India;

(iii) a portion to the Governor General-in-Council for expenditure in Indian States and administered areas;

in the ratio which the consumption of motor spirit in each area to which an allotment is to be made bears to the total consumption in India during the calendar year ending during the financial year concerned :

Provided that for the purposes of these allotments the consumption of motor spirit in Jammu and Kashmir shall be disregarded.

(2) The portion allotted to a Governor's Province shall be placed at the disposal of that Province in one or more instalments, as soon as the distribution can conveniently be made.

4 The balance to the credit of the Road Account or of any allotment thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Account save as hereinafter provided.

6. The Central reserve with the Governor General-in-Council shall be applied firstly to defraying the cost of administering the Road Development Account, and thereafter upon such schemes for research and intelligence and upon such special grants-in-aid as the Governor General-in-Council may approve.

7. (1) All allotments for expenditure in British India may, subject to the previous approval of the Governor General-in-Council to each proposal made, be expended upon any of the following objects, namely :

(i) on the construction of new roads and bridges of any sort;

(ii) on the reconstruction or substantial improvement of existing roads and bridges;

(iii) on the interest and amortization of loans taken after the date of this Resolution and spent on the construction, reconstruction or substantial improvement of roads and bridges;

(iv) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Account since 1930;

(v) in special cases, on the maintenance of roads or bridges constructed, reconstructed or substantially improved from loan funds after the date of this Resolution.

(2) Where any part of a provincial allotment of the Road Account is to be applied for the payment of interest and amortization of loans under clause (iii) above, such payment shall be a first charge on all allotments to that Province.

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Account, the Governor General-in-Council shall bear in mind the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

9. The following special rules shall apply to Burma, namely :

(a) The portion of the Road Account allotted to Burma shall be further apportioned between the Shan States and the rest of Burma in the manner indicated in paragraph 3.

(b) Instead of the approval of the Governor General-in-Council to any proposal under paragraph 7, the approval of the Governor, after consultation with the Federal Council, shall be required for schemes in the Shan States, and the approval of the Local Government, with the concurrence of the Local Legislature, shall be required for schemes in the rest of Burma.

[Sir Frank Noyce.]

10. (1) A Standing Committee for Roads shall be constituted each financial year consisting of :

- (a) the Member of the Governor General's Executive Council in charge of the Department dealing with roads,
- (b) two nominated official members of whom one shall be a Member of the Legislative Assembly,
- (c) three members elected by the Members of the Council of State from amongst themselves, and
- (d) six members elected by the Members of the Legislative Assembly from amongst themselves.

(2) No approval to any proposal for expenditure from the Road Account shall be given by the Committee unless it is supported by :

- (i) a majority of the members present and voting who are Members of the Legislative Assembly, and
- (ii) a majority of the members of the whole Committee present and voting.

(3) All proposals for expenditure from the Central reserve and all other proposals for expenditure from the Road Account to be made in British India (excluding Burma) shall be referred by the Governor General-in-Council to the Standing Committee before he approves of them.

11. The functions of the Standing Committee shall be :

- (a) To consider the annual budget and accounts of the Road Account.
- (b) To advise upon all proposals for expenditure from the Central reserve.
- (c) To advise upon the desirability of all other proposals involving expenditure from the Road Account in British India (excluding Burma).
- (d) To advise the Governor General-in-Council generally on all questions relating to roads and road traffic which the Governor General-in-Council may refer to them."

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): On a point of order

Mr. President (The Honourable Sir Shanmukham Chetty): Has the 4 P. M. Honourable Member moved his Resolution?

The Honourable Sir Frank Noyce: Yes, Sir, I started by saying that "I beg to move the following Resolution" and then I read the Resolution. I now propose to give my reasons for moving this Resolution.

Mr. S. C. Mitra: The point of order is this. It is obligatory on the Mover of a Resolution to show that the Resolution shall be clearly and precisely expressed and shall raise substantially one definite issue. I find in this Resolution that there are at least 11 paragraphs and about two dozen issues raised, and I want your ruling on the point.

Mr. President (The Honourable Sir Shanmukham Chetty): The definite issue raised is the way in which the Road Fund is to be administered.

The Honourable Member, after reading this long Resolution, deserves some rest. He can continue his speech tomorrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 21st April, 1984.

LEGISLATIVE ASSEMBLY.

Saturday, 21st April, 1934.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty), in the Chair.

QUESTIONS AND ANSWERS.

APPOINTMENT OF INSPECTORS UNDER THE INDIAN WIRELESS TELEGRAPHY POSSESSION RULES, 1933.

800. *Pandit Satyendra Nath Sen: (a) Will Government be pleased to state whether they have appointed or are going to appoint Inspectors under the Indian Wireless Telegraphy Possession Rules, 1933?

(b) What are the scales of pay and future prospects of such appointments?

(c) What will be the minimum qualifications of the candidates for such appointments and how do Government propose to make the recruitment?

(d) Will candidates, having the required technical training in private institutions and holding Government certificates as Wireless Operators, be eligible for such appointments? If not, why not?

(e) Do Government maintain any wireless training classes? If so, where are they situated and what is the annual recurring expenditure on such institutions and how many students are being trained in these institutions annually?

(f) Do Government propose to consider the desirability of abolishing these Government training classes and effect a saving in the Department, in view of the fact that boys trained in private training institutes are now being granted certificates of competency as wireless operators by the Director-General of Posts and Telegraphs after a proper examination?

(g) How many private wireless training institutions have been recognised by Government so far? Are Government prepared to accept the principle of granting recognition to all such institutions, which fulfil a required standard to be laid by Government?

The Honourable Sir Frank Noyce: (a) One Inspector has been appointed and the question of appointing others is under consideration.

(b) The appointments will be temporary on fixed rates of pay.

(c) and (d). It is intended, as far as possible, to fill the appointments from former employees of the Indian Posts and Telegraphs Department who volunteer and are considered suitable. It is not considered necessary to employ qualified wireless operators in these appointments.

(e) No; but from time to time arrangements are made according to requirements to train staff already employed in the Indian Posts and Telegraphs Department. No special expenditure is involved. Private students are not trained in wireless by Government.

(f) No. Wireless operators are recruited from the existing staff of the Indian Posts and Telegraphs Department.

(g) None. Such institutions are not required for Government purposes and the question of granting recognition does not, therefore, arise.

†801*

APPOINTMENT OF TAILOR-MASTERS IN CANTONMENTS.

802. *Mr. Bhuput Singh: (a) Is it a fact that in every cantonment tailor-masters are appointed by unit commanders on a basis of contract for tailoring and other allied jobs? If so, will Government be pleased to state whether tenders are called for such contracts or such contractors are appointed at the will of the unit commanders in charge of the army in a cantonment?

(b) Will Government be pleased to state the number of tailor-master contractors in all the cantonments in India and will they be pleased to state how many of them are Hindus, Sikhs and Muslims, separately?

(c) Is it a fact that Sikh tailor-master contractors in different cantonments of the Punjab are being replaced by Muslim tailor-master contractors?

(d) Will Government be pleased to state whether in Subathu Cantonment a Sikh tailor-master contractor, who worked for a very long period was replaced by a Muslim contractor?

(e) Are Government aware that this Sikh contractor in Subathu helped Government by giving a large number of recruits during the last Great War? If so, will they be pleased to state whether the Army Department have got any record of the services of such men who helped Government with recruits?

(f) Are Government aware that the Sikh tailor-master contractor, who supplied recruits during the last Great War, wanted a certificate which was refused on the ground that there were no records available for such services? If so, will they be pleased to state why records for army services rendered are not available?

Mr. G. R. F. Tottenham: (a) It is only in British units that tailors are privately appointed by the Commanding Officers. They are paid from regimental and not from Government funds, and the matter is one entirely for the discretion of the regimental authorities.

(b) to (f). Government have no information, and in the circumstances explained in answer to part (a), they do not propose to call for it.

†This question was withdrawn by the questioner.

APPOINTMENT OF TOWN INSPECTORS IN THE DELHI GENERAL POST OFFICE.

803. *Bhai Parma Nand: (a) Is it a fact that the posts of selection grade Town Inspectors in the Delhi General Post Office so far converted into those of time scale, have mostly been filled up by the juniormost officials of one and the same community by superseding other graduates with longer services?

(b) Is it a fact that these officials have only five years service in the department including the two years period of medical and extraordinary leave which they spent in acquiring their post graduation, failed to pass in the first chance the departmental clerk's confirmation examination, and have also been several times warned for their bad and careless work as Town Inspectors, *vide* Government reply to the unstarred question No. 311, dated the 7th April, 1934, and that charge-sheets are still being made out against them for preparing false diaries?

(c) Is it a fact that the senior aggrieved graduates submitted appeals to the Post Master General, Punjab, Lahore, who in rejecting all of them replied that discretionary powers were vested in the first class Post Masters?

(d) If the replies to the preceding parts be in the affirmative, will Government please state how they account for the over representation of the one and the under representation of the other community?

(e) What is the criterion for exercising the discretionary powers? Are Government prepared to withdraw them and substitute instead some competitive examination or fix some other standard, such as, of seniority combined with academic qualifications or undo the injustice done in the cases cited above?

The Honourable Sir Frank Noyce: (a) to (d). Government have no information. The posts in question are filled by the Postmaster by selection from ordinary time-scale clerks without regard to seniority or communal considerations. If the senior graduates referred to are not satisfied with the decision of the Postmaster-General, Punjab and North-West Frontier, it is open to them to represent their case to the Director General through the usual official channel.

(e) As regards the first part, no criterion has been prescribed. As regards the second and third parts, the reply is in the negative. As regards the last part, the Honourable Member is referred to the reply given to parts (a) to (d) above.

RULES FOR RECRUITMENT OF STAFF ON STATE-MANAGED RAILWAYS.

804. *Mr. S. C. Mitra: (a) Will Government be pleased to state whether the rules for recruitment of staff on State-managed Railways provide that recruitment will be from among persons who have completed a training in Telegraphy in recognised private training schools?

(b) How many of such private institutions have been recognised by Government in different provinces? Do Government propose to extend this privilege to all old and well established institutions, with a view to increase the educational facilities in the country?

(c) Is it the accepted policy of the Railway Board to abolish all the training classes now maintained by the Railway Department and recruit persons trained in private institutions duly recognised by the Department? If not, will Government please state their policy?

(d) Is it a fact that the training class at Chandausi is maintained by the East Indian Railway at a heavy expense? Have Government considered the feasibility of its abolition?

Mr. P. R. Rau: (a) The rules provide that recruits may be—

- (i) persons to be trained in telegraphy in railway telegraph schools; or
- (ii) persons who have completed a training in telegraphy in recognised private telegraph training schools.

(b) and (c). Government have not themselves recognised any private institution and have no information regarding the private institutions which have been recognised by Railway Administrations for the purpose. The recruitment and training of subordinate staff is entirely in the hands of the local Railway Administrations to whom is left the duty of deciding what private institutions should be considered as affording adequate training facilities and worthy of recognition for the purpose of the rule referred to.

(d) The Chandausi School is not only maintained for training staff in telegraphy but also for other purposes. The question of the necessity for its retention was carefully considered recently by the Railway Board who came to the conclusion that it was inadvisable to abolish it but they have asked the Agent of the East Indian Railway to investigate the most efficient and economical method of training of subordinates and prepare a definite scheme for such training at two centres, on that railway, *viz.*, Chandausi and Asansol.

TRAINING IN TELEGRAPHY TO THE UPPER DIVISION CLERKS.

805. ***Mr. S. C. Mitra:** (a) Is it a fact that the Posts and Telegraphs Retrenchment Sub-Committee of 1931 recommended that the training in telegraphy to the Upper Division Clerks should be given in private institutions, which are specifically recognised by Government for the purpose?

(b) Will Government please state whether any private institution has so far been recognised for the purpose?

(c) Are Government prepared to consider the desirability of holding examinations of students trained in private institutions and of granting them certificates of competency as Postal Service Signallers under the standard laid down in the rules of the Telegraph Department?

The Honourable Sir Frank Noyce: (a) Yes.

(b) No.

(c) No. The proposal has already been considered by the Director-General who was unable to accept it. Government see no reason to reconsider the matter.

SENIORITY OF INSPECTORS OF POST OFFICES AND HEAD CLERKS TO SUPERINTENDENTS OF POST OFFICES AND CERTAIN OTHER OFFICIALS IN THE CALCUTTA GENERAL POST OFFICE.

806. ***Mr. D. K. Lahiri Chaudhury:** (a) Will Government be pleased to state if it is a fact that it was ordered by the Director General of Posts and Telegraphs that all Inspectors of Post Offices or Head Clerks to Superintendents of Post Offices drawing pay of Rs. 60 and upwards on the 1st December, 1919, were to be considered senior not only to officials drawing Rs. 100 on that day but also to selection grade officials whose pay was raised to Rs. 145—170 grade as a result of revision of pay with effect from 1st December, 1919?

(b) Is it a fact that Inspectors or Head Clerks as mentioned above were thus given senior position to clerks drawing pay in the grade of Rs. 70, Rs. 80 or Rs. 100 which existed at that time?

(c) Will Government be pleased to furnish a statement showing the names of the clerks of the Calcutta General Post Office who were drawing Rs. 60, Rs. 70, or Rs. 80, on the 1st December, 1919, as well as the names of the Inspectors who were drawing Rs. 60 on that date, together with their relative position in the combined gradation list of selection grade officials in the Bengal and Assam Circle for the purpose of promotion in the grade of Rs. 250—?50?

(d) Will Government also please furnish a statement showing the names of the officials who have been promoted to the grade of Rs. 250—350 in Calcutta either in a permanent or officiating capacity during the years 1932-33 and 1933-34, and the number of those who worked in Calcutta and in Muffassil?

(e) Will Government please also state for how many years the mufassil men will continually get promotion in the grade of Rs. 250—350 in Calcutta?

The Honourable Sir Frank Noyce: (a) The fact is not as stated. The actual orders of the Director-General are as contained in clause (ii) of his letter No. AX-127, dated the 2nd December, 1922, a copy of which was laid on the table, in reply to Mr. Muhammad Anwar-ul-Azim's starred question No. 158, in this House, on the 23rd August, 1927.

(b) The fact is not exactly as stated. The Honourable Member will see from the Director-General's letter just mentioned that Inspectors and Head Clerks to Superintendents of Post Offices who attained this position before the introduction of the revised scales of pay, i.e., before the 1st December, 1919, were given seniority over the officials in the old grades of Rs. 70, Rs. 80 and Rs. 100, in the general line, who entered the new grade of Rs. 145—170 after that date.

(c) Government regret that the information is not readily available.

(d) A statement is laid on the table.

(e) The Honourable Member is referred to the reply given to part (c) of Mr. S. C. Mitra's starred question No. 78, in this House, on the 5th February, 1934.

Names of officials promoted to the grade of Rs. 250—350 in an officiating capacity. (No permanent promotion has been made.)

	Names.	Whether worked in Calcutta or in Mofassil.
During 1932-33	(1) Mr. L. M. Ghosh . . .	Mufassil.
	(2) „ B. M. Chakladar . . .	Calcutta.
	(3) „ K. P. Chatterjee . . .	Calcutta.
During 1933-34.	(1) Mr. M. L. Mazumdar . . .	Mufassil.
	(2) „ N. P. Ghosh . . .	Mufassil.
	(3) „ B. C. Sanyal . . .	Mufassil.
	(4) „ P. C. Rakshit . . .	Mufassil.
	(5) „ J. N. Nandi . . .	Mufassil.

**APPOINTMENT OF ENGINEERING OFFICERS AS POSTMASTER GENERAL IN
THE BENGAL AND ASSAM CIRCLE.**

807. *Mr. D. K. Lahiri Chaudhury: (a) Is it a fact that Engineering officers are appointed as Postmaster General in the Bengal and Assam Circle?

(b) If the reply to part (a) be in the negative, will Government be pleased to state whether the officers of the Post Office or Telegraph Engineering held charge of that Circle in the last three years?

(c) Is it a fact that there is one Director, Telegraph Engineering, in that Circle?

(d) If so, will Government be pleased to state why another Engineering Officer has been kept in that Circle when the Postmaster General, Bengal and Assam Circle, himself is an Engineering Officer?

(e) Will Government please state who supervises the work of the Engineering Divisions in Bihar and Orissa and Central Circles?

The Honourable Sir Frank Noyce: (a) and (b). The attention of the Honourable Member is invited to the statement laid on the table, on the 14th March, 1934, in reply to part (c) of Mr. S. C. Mitra's starred question No. 470.

(c) Yes.

(d) The appointment of officers of the Superior Telegraph Engineering Branch as Postmasters-General is made in accordance with the rules regulating promotion to those posts contained in the notification of the Department of Industries and Labour, dated the 8th February, 1934, published in the Gazette of India, dated the 10th February 1934. Their posting either to the Bengal and Assam Circle or to any other Circle is made in accordance with the exigencies of the service.

(e) The Postmasters-General of Bihar and Orissa, Central and other Circles are in charge of all work connected with the Post Office, Telegraph Traffic and Telegraph Engineering in the Circle.

**ACCELERATION OF THE SPEED OF THE 20 DOWN EXPRESS ON THE EAST
INDIAN RAILWAY.**

808. *Mr. D. K. Lahiri Chaudhury: (a) Is it a fact that 19-Up Howrah Benares Express Train (East Indian Railway), takes 14 hours 27 minutes to reach Benares from Howrah while in the down journey 20 Down train takes 15 hours 46 minutes to reach Calcutta from Benares?

(b) Will Government please state why it takes so long to reach Calcutta?

(c) Are Government aware that the train is over-crowded?

(d) Are Government prepared to arrange to accelerate the down train so that it can reach Calcutta earlier than at present? If not, why not?

Mr. P. R. Rau: I would refer my Honourable friend to the reply given by me to his question No. 278 on the 26th February.

SPEED OF CERTAIN TRAINS ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

809. *Mr. D. K. Lahiri Chaudhury: (a) Is it a fact that local trains on the Eastern Bengal Railway take 1 hour 48 minutes to reach Calcutta from Ranaghat which is about 47 miles while it takes a local train on the East Indian Railway two hours or more to reach Howrah from Debipur which is about 48 miles from Howrah?

(b) Will Government please state what is the cause of such difference in the speed of trains on these two Railways?

(c) Will Government please state when 59-Up local train leaves Calcutta and when it reaches Ranaghat and when 89-Up local train leaves Howrah and when it reaches Debipur on the Eastern Bengal Railway and East Indian Railway, respectively?

Mr. P. R. Rau: (a) Yes.

(b) This point was once before raised by my Honourable friend in his question No. 279 on the 26th February. A copy of that question was sent to the Agent of the East Indian Railway. I place on the table a copy of his reply, which explains the position.

(c) No. 59 Up Local train leaves Calcutta (Sealdah) at 16-54 hours and reaches Ranaghat at 18-26 hours.

No. 89 Up Local leaves Howrah at 17-06 hours and reaches Debipur at 19-04 hours.

Copy of letter No. A. T.-48/8, dated 9th April, 1934, from the Agent, East Indian Railway, to the Secretary, Railway Board.

With reference to the Board's endorsements No. 4893-T., dated 2nd March, 1934, I beg to reply as follows:

1. Item (C) of the question: to accelerate 88 Down and 90 Down Burdwan-Howrah locals it would either be necessary to reduce their loads or to withdraw some of the stops.

I cannot agree to reduce the loads because these trains are worked with suburban rakes having a standard composition of 8 bogies which cannot be interfered with without causing great inconvenience in working and because any reduction in the accommodation on these trains would result in overcrowding, particularly on the Bandel-Howrah section.

I cannot agree to reduce the number of stops at stations on the Burdwan-Bandel section as these trains are primarily intended to cater for traffic from stations on this section. There are 14 stations between Bandel and Howrah and Nos. 88 Down and 90 Down stop at six and seven of these respectively. If these stops were withdrawn the daily passengers would be seriously inconvenienced as the number of office locals available from the stations would be reduced from five to three in the majority of cases, and the interval between these trains would be increased from an average of 20 minutes to 34 minutes.

A comparison with the Eastern Bengal Railway trains cannot reasonably be made as the conditions on the Debipur-Howrah section differ from the Ranaghat-Sealdah section of the Eastern Bengal Railway specially in regard to the following points:

- (a) The number of stations on the Howrah-Debipur Section is 22 as against 19 on the Sealdah-Ranaghat section.
- (b) The suburban traffic on the Eastern Bengal Railway is heavier than that over the East Indian Railway and therefore a greater number of trains are run between Ranaghat and Sealdah to cope with the heavier traffic.
- (c) The Eastern Bengal Railway suburban trains are composed of six bogies while the East Indian Railway trains are run with eight bogies.

2. Item (F) of the question : The two evening trains from Burdwan to Howrah referred to in the question are 152 Down Burdwan Passenger and 22 Down Gomoh fast Passenger. The former stops at all stations and the latter stops at important stations only below Burdwan. No. 22 Down is intended primarily for long distance passengers and as the traffic at stations where this train does not stop is principally for short distances, there is no justification for stopping 22 Down at all stations. Moreover if this request was complied with, No. 22 Down would arrive at Howrah at about midnight which is undesirable in the interest of both long and short distance passengers.

**ALLEGATIONS AGAINST MR. K. M. HASSAN; DEPUTY DIRECTOR,
ESTABLISHMENTS, RAILWAY BOARD.**

810. ***Bhai Parma Nand:** (a) Is it a fact that all establishment matters are being dealt with in 'C' branch of which, Mr. Hassan, Deputy Director, Establishment, Railway Board, is in charge?

(b) Are Government aware that Mr. K. M. Hassan is President of the Muslim Club, and that through him information regarding establishment matters is supplied to other members of the club?

(c) Is it a fact that the selection and appointment of Mr. Hassan as Deputy Director, Railway Board was not considered in any meeting of the Railway Board? If so, why not?

(d) Is it a fact that Mr. Hassan was once serving as Assistant Traffic Superintendent on the North Western Railway and was made to resign on pain of removal from service, and that his appeal to the highest authority was rejected?

(e) Is it a fact that he was again taken into Railway service for certain meritorious deeds? If so, will Government please state the nature of these meritorious services and also the grounds on which he was made to resign?

(f) Are Government aware of the fact that there is a great discontent among the members of the Branch on account of the behaviour of the Deputy Director?

Mr. P. R. Rau: (a) Establishment matters are dealt with in E. Branch of the Railway Board's Office. The Director of Establishment is in charge of that Branch. Mr. Hassan is Deputy Director, Establishment.

(b) and (f). The answer is in the negative.

(c) The selection and appointment of Mr. Hassan received full consideration from the Board.

(d) and (e). I would refer the Honourable Member to Sir George Rainy's replies to parts (c), (d), (e), (f) and (h) of question No. 511 asked by Mr. D. K. Lahiri Chaudhury in this House on the 16th September, 1929.

Mr. S. G. Jog: In view of the fact that the reply was given very very long ago, will the Honourable Member kindly repeat that reply? It has become very old.

Mr. P. R. Rau: I think my Honourable friend can consult the proceedings of that date in the Library.

Bhai Parma Nand: What is the tenure fixed generally for such officers in the Railway Board?

Mr. P. R. Rau: No tenure has yet been definitely fixed for such appointments.

Bhai Parma Nand: Is it not for three years?

Mr. P. R. Rau: No tenure has yet been definitely fixed.

PERCENTAGE OF HINDU, SIKH AND MUSLIM EMPLOYEES IN THE RAILWAY LOCO. SHED, LAHORE.

811. *Bhai Parma Nand: What is the percentage of the Hindus, Sikhs and Muslim employees in the Railway Loco. Shed, Lahore?

Mr. P. R. Rau: Government regret they are unable to supplement with figures for individual offices the information in regard to communal representation in railway services which is given in the Annual Report by the Railway Board on Indian Railways.

ALLEGED HARASSMENT OF THE HINDU AND SIKH EMPLOYEES IN THE RAILWAY LOCO. SHED, LAHORE.

812. *Bhai Parma Nand: (a) Has the attention of Government been drawn to a note published in the *Daily Herald*, Lahore, dated the 6th April, under the heading "Railway Hindus coerced into Islam"?

(b) Do Government propose to make an enquiry into the allegations of fanatic attempts of certain clerks to harass the Hindu and Sikh employees and the results of such attempts?

(c) Have the local authorities received any representations in this connection? If so, what action have they taken to remedy the state of affairs prevailing in the Loco. Shed?

Mr. P. R. Rau: Government have seen the report in the Press containing the allegations referred to by my Honourable friend, and a copy has been sent to the Agent of the North Western Railway, for such action as he may consider necessary.

Shaikh Sadiq Hasan: Who is in charge of the Loco. Shed in Lahore?

Mr. P. R. Rau: I am afraid I do not know the name of the person in charge.

Shaikh Sadiq Hasan: What are the percentages of the Hindu, Sikh and Muslim employees in the Railway Loco. Shed, Lahore?

Mr. P. R. Rau: Does that arise out of question No. 812?

Maulvi Muhammad Shafee Daoodi: Has the Honourable Member, who has put this question, any personal knowledge of the fact that the Railway Hindus had been coerced into Islam?

†813.*

†This question was withdrawn by the questioner.

CARRYING OF A SPRING BALANCE ALONG WITH THE HAYMAN-MOHINDRA PUNCH BY THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

814. ***Dr. Ziauddin Ahmad:** (a) Is it a fact that the Travelling Ticket Examiners on the East Indian Railway, are compelled to carry with them a spring balance along with Hayman-Mohindra punch?

(b) What is the size and weight of the punch?

(c) What is the size and weight of the spring balance?

(d) What is the price of each balance?

Mr. P. R. Rau: (a) Yes.

(b) The size of the Punch with magazine is about 10" long and its weight is about $1\frac{3}{4}$ lbs.

(c) Size $9\frac{1}{4}$ " by $1\frac{1}{4}$ ".

Weight 1 lb. 1 oz.

(d) Rs. 3-15-0.

PURCHASE OF SPRING BALANCES CARRIED BY THE TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

815. ***Dr. Ziauddin Ahmad:** (a) Were the spring balances carried by Travelling Ticket Examiners on the East Indian Railway, purchased in India or in England?

(b) Who is the maker of these balances?

(c) Were they purchased through the Indian Stores Department?

(d) What is the total amount spent on purchasing these balances?

(e) What is the need of incurring such a large expenditure?

Mr. P. R. Rau: (a) In India.

(b) Salter's.

(c) No.

(d) Rs. 381-8-0.

(e) The spring balances are required to enable Travelling Ticket Examiners to weigh unbooked luggage detected in trains. I am informed the expenditure has been fully justified by results.

Mr. S. G. Jog: May I ask, Sir, if the Financial Commissioner is inventing any such machine at present?

Mr. P. R. Rau: I am afraid I have no mechanical talent.

GETTING INTO RUNNING TRAINS OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

816. ***Dr. Ziauddin Ahmad:** (a) Is it not a fact that the Travelling Ticket Examiners on the East Indian Railway, are often compelled to get into compartments in the moving train?

(b) Does this not affect their safety?

(c) Is it not a fact that Travelling Ticket Examiner Nathu Ram fell down from the compartment while attempting to get into the train with Hayman-Mohindra punch in his one hand and packages of note books in the other?

Mr. P. R. Rau: (a) I am informed that this is not the case and that it is against orders to do so.

(b) Does not arise.

(c) I am informed that this was so. The Agent reports that satchels with a strap to sling from the shoulder are provided for the carriage of the punch and books, etc., so as to leave the hands free.

Pandit Satyendra Nath Sen: May I ask, Sir, if the fall of Nathu Ram was noted as a disqualification in his service file?

Mr. P. R. Rau: I am afraid I must ask for notice of that question

REVIEW OF MR. SCOTT ON THE MOODY-WARD REPORT ON THE TICKET CHECKING SYSTEM ON THE EAST INDIAN RAILWAY.

817. ***Dr. Ziauddin Ahmad:** (a) Is the review of Mr. Scott on the Moody and Ward Report on the ticket-checking system on the East Indian Railway published?

(b) If not, will Government please lay a copy in the Library or on the table of this House?

(c) What was the opinion of the Director of Finance on the report?

Mr. P. R. Rau: (a) No.

(b) and (c). Government regret their inability to publish the opinions of individual officers on the subject.

RESTRICTIONS ON CARS COMING TO BRITISH TERRITORY FROM INDIAN STATES.

818. ***Diwan Bahadur Harbilas Sarda:** Will Government kindly state if cars coming to British territory from Indian States are subjected to any restrictions? If not, do Government propose to move in the matter to secure reciprocal treatment from the State authorities concerned?

The Honourable Sir Harry Haig: The general conditions under which cars may be brought temporarily into British India from Indian States are prescribed in Notification No. 627, dated the 6th July, 1916, a copy of which has been placed in the Library of the House. Certain Local Governments have framed rules under the Motor Vehicles Act making provision for reciprocity with Indian States in the matter of licensing and registration.

CORRESPONDENCE WITH HIS RELATIONS OF MR. SATIN SEN, A STATE PRISONER IN THE CAMPBELLPUR JAIL.

819. ***Mr. S. C. Mitra:** (a) With reference to the answer to my starred question No. 523, part (g), will Government please explain why the relations of detainee, Mr. Satin Sen, confined in Campbellpur Jail, are not getting any letter from him since October last?

(b) Is it due to Mr. Sen's reluctance to correspond with his relations, or for any other reasons? If the latter, what are the reasons?

(c) Is it a fact that interview prayed for by his brother, Mr. Abinash Sen, has been refused again? If so, on what grounds?

The Honourable Sir Harry Haig: Enquiries are being made and a reply will be laid on the table, in due course.

FUND CREATED FROM THE PERSONAL PROPERTY OF RAJA RAGHUJI III.

820. ***Rao Bahadur S. R. Pandit:** Will Government be pleased to state the exact amount of the fund created from the personal property of Raja Raghuji III from which pensions amounting to over rupees ninety thousand are granted to the members of the Bhonsla family annually, *vide* the Central Provinces Nagpur District Gazetteer, Volume I, page 96 paragraph 88?

Mr. H. A. F. Metcalfe: The information is being collected and will be laid on the table, in due course.

UNSTARRED QUESTIONS AND ANSWERS

APPOINTMENT OF HINDUS IN THE INDUSTRIAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

389. **Bhai Parma Nand:** (a) With reference to the reply to the question No. 684, dated the 7th March, 1933, will the Honourable Member in charge of the Department of Industries and Labour kindly state whether Hindus were given their due share of appointments in the industrial establishment of the Government of India Press, New Delhi, in the recruitment made from April 1933 onwards?

(b) Will Government be pleased to state the number of appointments made, community-wise, in the sanctioned strength of the industrial staff, from April 1933 onwards?

(c) How many compositors were appointed from April 1933 onwards according to communities?

(d) What are the reasons for overlooking the claims of Hindus in the industrial establishment of the Press, and what steps do Government propose to take in the matter?

(e) Is it a fact that all low-paid posts in the industrial establishment, like that of labourer, are given to Hindus and all high paid appointments given to minorities?

(f) Will Government please submit a statement showing all recruitments made, community-wise, since April 1933 and the scales and pay attached to each post?

(g) Are Government aware that the communal composition is based on the aggregate strength of the industrial establishment and not on the number of the higher or lower appointments?

(h) Is it a fact that the strength of Hindus is made up by recruiting coolies in the industrial establishment of the press? If so, do Government propose to revise the existing orders, after looking into the facts and figures?

The Honourable Sir Frank Noyce: (a) I am not sure what the Honourable Member means by a due share. No fixed share is allotted to any community. The recruitment was made in accordance with the orders of Government.

(b)	Permanent.	Temporary.
Hindus	9	16
Muslims	7	6
Sikhs	3	..
Indian Christians.	2	1
Total	21	23

Appointments made in leave vacancies and a few appointments which will probably terminate at the end of the Assembly Session have not been included in the figures.

(c) Five, of whom three were Hindus and two Muslims. In addition during the winter season four temporary compositors were appointed of whom two were Hindus, one was a Muslim and one an Indian Christian.

(d) In view of the replies given to the previous parts, the question does not arise.

(e) No.

(f) A statement is given below:

Post.	Hindus.	Muslims.	Sikhs.	Christians.	Pay.
Lino Operator . . .	1	..	..	1	Rs. 70—3—85—4
Mechanic	1	..	..	..	—105
Press and Machine Jamadar.	..	1	..	..	„ 70—3—85
Copyholders . . .	6	3	..	..	„ 40—2—50
Machineman . . .	1	1	1	..	„ 35—2—45
Machine Inker . . .	1	1	1	..	„ 28—2—46
Warehousemen . . .	5	3	1	1	„ 20
Labourers	6	2	..	1	„ 18
Compositors . . .	3	2	..	..	„ 15
Flyboy	1	..	..	..	Piece-rate.
Total	25	13	3	3	Piece-rate.

(An officiating overseer on a pay of Rs. 225—15—300 and an apprentice on a subsistence allowance of Rs. 50 per month, were also appointed; both of these are Muslims.)

(g) Yes.

(h) The figures furnished in part (f) show that the allegation is groundless. The second part does not arise.

PROMOTIONS IN THE CLERICAL ESTABLISHMENT OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

390. **Bhai Parma Nand:** (a) Is it a fact that all promotions to higher grades in the clerical establishment of the Government of India Press, New Delhi, are made by merit according to rules made by Mr. Ascoli in 1925?

(b) Is it a fact that the Controller of Printing and Stationery, India (Mr. Letton), has recently passed an order that lack of knowledge of English, which is a common failing, should not be a bar to promotion to upper scales? Is the same standard of qualifications applied to promotions in the Secretariat and attached offices of the Government of India? If not, do Government propose to revise the orders of Mr. Letton which conflict with those of Mr. Ascoli and revise the handbook accordingly?

The Honourable Sir Frank Noyce: (a) The rules framed by Mr. Ascoli in 1925 were modified subsequently. Under the existing rules promotions of clerks from a lower grade to a higher grade should be made on merit provided attendance and conduct are also satisfactory.

(b) The reply to the first part is in the negative. The other parts do not arise.

APPOINTMENTS ON COMMUNAL BASIS IN THE GOVERNMENT OF INDIA PRESS NEW DELHI.

391. **Bhai Parma Nand:** (a) Is it a fact that the Government or the Controller of Printing passed an order some time back that all appointments from temporary to permanent establishment in the Government of India Press, New Delhi, should be made on a communal basis?

(b) Is it a fact that the Manager, Government of India Press, New Delhi, has refused to carry out those orders?

(c) Will Government be pleased to state community-wise the number of appointments made to permanent industrial establishment from April 1933 up to date and state why the claims of Hindus are being overlooked?

The Honourable Sir Frank Noyce: (a) At the instance of my Department instructions were issued to the Manager to adhere strictly to the orders of Government regarding the redress of communal inequalities in making recruitment to the permanent establishment.

(b) No.

(c) The following permanent appointments were made by the transfer of men from the temporary establishment:

Hindus	.	.	.	.	.	.	.	.	.	.	7
Muslims	.	.	.	.	.	.	.	.	.	.	10
Sikh	.	.	.	.	.	.	.	.	.	.	1
Indian Christians	.	.	.	.	.	.	.	.	.	.	3
Total											21

As regards direct recruitment to the permanent posts the attention of the Honourable Member is invited to my reply to part (b) of his unstarred question No. 389. The last part does not arise.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

392. **Mr. S. G. Jog:** (a) With reference to the statement laid on the table on 14th March, 1934 in reply to unstarred question No. 325 of 14th December, 1933, will Government be pleased to state whether under 1915 rules the question of "aggravated by field or foreign service" had to be adjudicated by the original invaliding boards?

(b) Is it not a fact that in *India's Contribution to the Great War*, while dwelling on the liberality of the 1922 rules as compared with 1915 rules, it is given that 'the new rules provided disability pension, not only for disabilities contracted on, or attributable to field or foreign service, but also for disabilities so aggravated by the exigencies of the service for which the individuals had to be discharged before earning an ordinary pension'?

(c) Is it not a fact that Government, in their answer, to starred question No. 112 (e), (f) and (g) of 4th April 1932, laid on the table on 15th September, 1932, said 'they do not consider it necessary to provide for in the Regulations for aggravated disabilities. Administrative instruction how such cases are to be dealt with are already in existence'?

(d) Will Government please lay a copy of these administrative instructions with the date of their issue on the table and say whether it was in accordance with one of these instructions that the 1916 Medical Boards were required to adjudicate the aggravated phase of a disability? If so, which of the instructions was applied in the case referred to in (a) above?

(e) Has it been the practice, in respect of all diseases, not detected during field service to presume that they are neither contracted on, nor aggravated by, field or foreign service? Do Government intend to adjudicate all disabilities other than wounds and injuries in this light for the remaining period of two years' extension of limitation granted under Recommendation No. VI of the War Pensions Committee?

(f) What was the definition of the term 'aggravated by field or foreign service' in 1916 and what is the definition at present? Is it not the intention to govern the war cases by the present definition?

Mr. G. R. F. Tottenham: Questions Nos. 392 and 393 are being examined, and replies will be laid on the table, in due course.

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

†393. **Mr. S. G. Jog:** (a) Will Government be pleased to state whether the subsequent medical board, referred to in their statement laid on the table on 14th March, 1934, in reply to unstarred question No. 325 of 14th December, 1933, formed an appeal board, in the sense of Government's answer to unstarred question No. 281 of 29th March, 1932, to alter the opinions formed by the original board, or it was merely to resurvey the degree of disability, and stick to the opinion of the original medical board as to the question of 'attributability' in the sense of Government's answer to unstarred question No. 143 (c) of 9th March, 1932?

(b) On whom rests the burden of producing 'strict evidence' that the disability was contracted on field or foreign service, or if first became manifest on such service resulting in such an aggravated form that the individual had to be discharged as no longer fit for further military service?

†For answer to this question, see answer to question No. 393.

(c) Were the copies of casualty forms and hospital cards given to the individuals during the War to substantiate the facts shown in (b) above?

(d) Has it been the practice to regard the facts: (i) 'the disability was not contracted on field or foreign service' and (ii) the disability was not aggravated by field or foreign service, as questions of opinion and not as questions of facts?

(e) Has it been the practice to ignore the certification of all the medical officers who examined an individual before his being deputed to field or foreign service, as regards his fitness for such service, and give every weight to the conclusions of the invaliding board as regards 'contracted on', 'attributable to' and 'aggravated by'?

STAFF IN CERTAIN RAILWAY MAIL SERVICE DIVISIONS.

394. Mr. D. K. Lahiri Chaudhury: Will Government be pleased to submit a statement showing the number of (i) selection grade officials, (ii) Inspectors, (iii) Sorters, (iv) Lower Division sorters and (v) inferior staff, working in the following Railway Mail Service Divisions on the 1st March, 1934?

"W" Division, "K" Division, "B" Division, "D" Division, "P" Division, "A" Division, "L" Division, "C" Division, "E" Division and "S" Division.

The Honourable Sir Frank Noyce: Government regret that figures corrected up to the 1st March, 1934, are not readily available and cannot be obtained without an undue expenditure of time and labour. Figures for 1933 are available only in respect of selection grade officials, inspectors and sorters, and a statement is annexed.

It is hoped that this will meet the Honourable Member's requirements.

Statement showing the number of (i) selection grade officials (ii) Inspectors and (iii) ordinary time-scale sorters in the Railway Mail Service Divisions referred to in the question.

Names of Railway Mail Service Divisions.	Selection grade officials (up to October 1933).			Ordinary time-scale sorters (up to April 1933.
	250—350.	160—250.	Inspectors 160—250.	
"W"	1	6	6	282
"K"	<i>Nil</i>	<i>Nil</i>	3	83
"B"	1	2	5	239
"D"	1	9	7	397
"P"	1	8	4	204
"A"	1	13	4	373
"L"	1	8	12	433
"C"	1	11	7	359
"E"	1	7	5	321
"S"	1	2	3	198

INCOME AND EXPENDITURE OF EACH POSTAL CIRCLE.

395. **Mr. D. K. Lahiri Chaudhury:** Will Government be pleased to furnish a statement showing the total income and expenditure in each Postal Circle separately under separate heads (i) Postal, and (ii) Telegraph, during the year 1932-33?

The Honourable Sir Frank Noyce: As the accounts of the Department are not kept by Circles, Government regret that they are unable readily to furnish the information. Special preparation would involve an expenditure of time and labour, which would be incommensurate with the object to be gained.

THE HINDU TEMPLE ENTRY DISABILITIES REMOVAL BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I present the Report of the Committee on Petitions on certain petitions relating to the Bill to remove the disabilities of the so-called Depressed Classes in regard to entry into Hindu temples.

THE HINDU MARRIAGES DISSOLUTION BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PETITIONS.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I present the Report of the Committee on Petitions on certain petitions relating to the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion.

DISSOLUTION OF THE LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Shanmukham Chetty). The Chair has been asked to announce that His Excellency the Governor General regrets that he is not yet in a position to make any announcement with regard to the question of the dissolution of the present Legislative Assembly as various issues are involved in connection with which he is still in communication with His Majesty's Government in London. He trusts, however, that he will be able to communicate the decision arrived at before the end of this month. The Chair knows Honourable Members are anxious to have some idea as to the exact date when they would be summoned to meet in Simla, but the Chair has no doubt they would realise that the date of the next Simla Session would depend upon the fact whether the Assembly is to be dissolved and the general election is to be held or not. If a dissolution takes place, then the Simla Session of the Assembly will begin somewhere about the 16th July; but if His Excellency the Governor General decides not to dissolve the Assembly, then it would not be necessary to summon the Simla Session so early

as that. The Chair would, however, arrange to see that as soon as the communication of His Excellency the Governor General is made available, Honourable Members are informed about the date of the next Simla Session.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-madan): May I beg to inquire what would be the duration of the Simla Session and the nature of work to be proposed to be transacted there? I am perfectly certain that the Government must be in a position to say that, as they always get in advance the programme of the work to be done in Simla. They should give us some indication as to how long they are likely to keep the Members in Simla. There are rumours afloat that the Simla Session will last for two months.

The Honourable Sir Brojendra Mitter (Leader of the House): Our present estimate is that the Simla Session will last for about six weeks unless, of course, Dr. Ziauddin keep us longer. (Laughter.)

RESOLUTION *RE* EXCISE DUTY ON MOTOR SPIRIT FOR THE PURPOSES OF ROAD DEVELOPMENT.

The Honourable Sir Frank Noyce (Member for Industries and Labour): Sir, with reference to what fell from my Honourable friend, Mr. Mitra, yesterday, I must apologise to the House for the length of the Resolution*

*"In supersession of the Resolution adopted by this Assembly on the 4th February, 1930, as supplemented by the Resolution adopted by this Assembly on the 3rd October, 1931, this Assembly recommends to the Governor General-in-Council that:

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than two annas per gallon, and the proceeds thereof shall be applied for the purposes of road development.

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum equivalent to the share in such proceeds arising from motor spirit used for purposes of civil aviation during the calendar year ending in the financial year concerned, and such sum shall be at the disposal of the Governor General-in-Council for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Account.

3. (1) The annual block grant shall be allotted as follows:

(a) a portion equal to fifteen per cent. shall be retained by the Governor General-in-Council as a Central reserve;

(b) out of the remainder there shall be allotted:

(i) a portion to each Governor's Province for expenditure in the Province;

(ii) a portion to the Governor General-in-Council for expenditure elsewhere in British India;

(iii) a portion to the Governor General-in-Council for expenditure in Indian States and administered areas;

in the ratio which the consumption of motor spirit in each area to which an allotment is to be made bears to the total consumption in India during the calendar year ending during the financial year concerned:

Provided that for the purposes of these allotments the consumption of motor spirit in Jammu and Kashmir shall be disregarded.

(2) The portion allotted to a Governor's Province shall be placed at the disposal of that Province in one or more instalments, as soon as the distribution can conveniently be made.

4. The balance to the credit of the Road Account or of any allotment thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Account save as hereinafter provided.

which I inflicted on it. But I must plead that in so doing I was merely following precedent and that the Resolution I moved is very little, if

6. The Central reserve with the Governor General-in-Council shall be applied firstly to defraying the cost of administering the Road Development Account, and thereafter upon such schemes for research and intelligence and upon such special grants-in-aid as the Governor General-in-Council may approve.

7. (1) All allotments for expenditure in British India may, subject to the previous approval of the Governor General-in-Council to each proposal made, be expended upon any of the following objects, namely :

- (i) on the construction of new roads and bridges of any sort ;
- (ii) on the reconstruction or substantial improvement of existing roads and bridges ;
- (iii) on the interest and amortization of loans taken after the date of this Resolution and spent on the construction, reconstruction or substantial improvement of roads and bridges ;
- (iv) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Account since 1930 ;
- (v) in special cases, on the maintenance of roads or bridges constructed, reconstructed or substantially improved from loan funds after the date of this Resolution.

(2) Where any part of a provincial allotment of the Road Account is to be applied for the payment of interest and amortization of loans under clause (iii) above, such payment shall be a first charge on all allotments to that Province.

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Account, the Governor General-in-Council shall bear in mind the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

9. The following special rules shall apply to Burma, namely :

- (a) The portion of the Road Account allotted to Burma shall be further apportioned between the Shan States and the rest of Burma in the manner indicated in paragraph 3.
- (b) Instead of the approval of the Governor General-in-Council to any proposal under paragraph 7, the approval of the Governor, after consultation with the Federal Council, shall be required for schemes in the Shan States, and the approval of the Local Government, with the concurrence of the Local Legislature, shall be required for schemes in the rest of Burma.

10. (1) A Standing Committee for Roads shall be constituted each financial year consisting of :

- (a) the Member of the Governor General's Executive Council in charge of the Department dealing with roads,
- (b) two nominated official Members of whom one shall be a member of the Legislative Assembly,
- (c) three members elected by the Members of the Council of State from amongst themselves, and
- (d) six members elected by the Members of the Legislative Assembly from amongst themselves.

(2) No approval to any proposal for expenditure from the Road Account shall be given by the Committee unless it is supported by :

- (i) a majority of the Members present and voting who are Members of the Legislative Assembly, and
- (ii) a majority of the members of the whole Committee present and voting.

(3) All proposals for expenditure from the Central reserve and all other proposals for expenditure from the Road Account to be made in British India (excluding Burma) shall be referred by the Governor General-in-Council to the Standing Committee before he approves of them.

[Sir Frank Noyce.]

at all, longer than the Resolution it is displacing Sir, I have not troubled the House with much business this Session (Hear, hear), not because I have had no business of importance to place before it, but because such business as I have had has been crowded out by more urgent—though I am not prepared to admit by more important—matters, for every Member of Government naturally thinks that his own business is of the first importance. The motion that I moved yesterday certainly falls in that category. We have heard much this Session of economic planning. I maintain, Sir, without fear of contradiction that if the House accepts this Resolution, it will have made a valuable contribution to an economic plan for India, for it is obvious that such a plan must have as one of its essential features the development of communications on a sound and ordered basis. The Road Development Account can play an important,—I do not wish to exaggerate and I would not say a vital—part in promoting that development. Before I come to discuss the respects in which this Resolution differs from that which was in force until the 31st March of this year, the House will, I feel sure, wish me to give an account of our stewardship; in other words, to explain the way in which the Road Development Account has been administered during the last five years. That account, I need hardly remind the House, was the creation of the Central Legislature. In February, 1927, the Council of State adopted a Resolution which ran as follows:

“This Council recommends to the Governor General-in-Council to appoint a Committee, including members of both Houses of the Central Legislature, to examine the desirability of developing the road system of India, the means by which such development could be most suitably financed, and to consider the formation of a Central Road Board for the purpose of advising in regard to, and co-ordinating the policy in respect of, road development in India.”

In pursuance of that Resolution, a Committee of thirteen Members of the Central Legislature, which had Mr. Jayakar as Chairman, was appointed in November, 1927, and reported in September, 1928. As was to be expected, it came to the conclusion that the development of the road system of India was desirable and that that development was passing beyond the resources of Local Governments and local bodies. It, therefore, suggested that it might, to some extent, be a proper charge on Central Revenues, this charge taking the form of additional taxation on motor transport to the extent of an increase in the excise and customs duty on petrol from four to six annas. It held that grants from Central revenues could only be made through the constitutional processes prescribed by the Government of India Act and recommended that the Legislative Assembly should exercise control in two ways—by approving the general principles in accordance with which the grants should be spent and by appointing a Standing Committee to approve schemes and generally to advise Government. It suggested that one-sixth of the amount available

11. The functions of the Standing Committee shall be :

- (a) To consider the annual budget and accounts of the Road Account.
- (b) To advise upon all proposals for expenditure from the Central reserve.
- (c) To advise upon the desirability of all other proposals involving expenditure from the Road Account in British India (excluding Burma).
- (d) To advise the Governor General-in-Council generally on all questions relating to roads and road traffic which the Governor General-in-Council may refer to them.”

annually should be kept as a reserve with the Government of India and that the balance should be distributed partly by allocation to the Provinces and partly as a lump sum to the Government of India for minor administrations and States on the basis of petrol consumption in both cases. The grants would be made to Provinces for schemes approved by the Government of India with the advice of the Standing Committee on Roads. The further suggestion was made that co-ordination should be provided for by periodic Road Conferences.

Local Governments and the Legislature were consulted on these recommendations, and, after the approval of the Secretary of State had been obtained to the contribution from Central revenues to a provincial subject,—for it is important that the House should bear in mind in discussing this Resolution that roads are a provincial transferred subject except in Assam—the necessary financial provision was made in the Finance Act of 1929 and the two-anna additional levy on petrol came into force on 1st March, 1929. For various reasons on which I need not now enlarge, the Resolution establishing the Road Development Account was not adopted by this House until the 4th February, 1930, and by the Council of State until March 4th, 1930. That Resolution, under which we have up till now been acting, embodied, the relevant recommendations of the Jayakar Committee except in the matter of the reserve, which, as the result of a discussion with Provincial representatives in September, 1929, it was agreed to reduce to ten per cent, that figure to be reviewed after two years. I should perhaps mention in passing, that that undertaking was duly honoured and that it was decided, after consultation with the Standing Advisory Committee, to maintain the ten per cent figure. Road Conferences were held in April, 1930, and in September, 1931. The very important Road-Rail Conference, which was held in April last year, then intervened. The Standing Advisory Committee of the Legislature was constituted in September, 1929, but it did not commence active work until April, 1930. It has met on fourteen occasions since then. Some of the sittings lasted for a day or two, and five of them took place during the last financial year. I am glad to have this opportunity of acknowledging in this House the valuable assistance it has given my predecessors and myself in dealing with the important problems placed before it. It has taken the greatest interest in those problems and its advice has always been most helpful, not least in regard to the terms of the Resolution which we are now discussing.

Now, Sir, I come to the funds which the Committee has been called upon to assist Government in administering. These, during the five years the Road Development Account has been in existence, have amounted to about Rs. 5,09·66 lakhs in all. I say "about", for the figures for the second half of the last financial year are only an estimate. The figures have shown very little variation from year to year. That variation has been from Rs. 98·03 lakhs in 1930-31 to Rs. 1,05·48 lakhs, the estimated credit for last year. It must be remembered, however, in comparing the annual figures that the rate of levy was increased from two annas to two and a half annas per gallon from October 31st, 1931. Of the Rs. 4,59·66 lakhs accruing up till September 30, 1934, Rs. 4,13·76 lakhs has been distributed to the Provinces and States, the remaining Rs. 45·90 lakhs forming the reserve with the Government of India. Of the Rs. 4,13·76 lakhs distributed to the Provinces and the States, Rs. 3,56·64 lakhs represents the share of British India.

[Sir Frank Noyce.]

The House would, I think, like to know the position in regard to the Rs. 3,56·64 lakhs which has been distributed to Local Governments. Of that amount, about two crores is the estimated expenditure on approved schemes up to March 31st, 1934. A little over 55 lakhs has been diverted as a temporary loan for the maintenance of works in progress, and the balance on hand is Rs. 1,02·12 lakhs. A word of explanation is necessary in regard to the temporary loan. The financial depression so greatly impaired the ability of Local Governments to maintain their roads that it was considered advisable to obtain the sanction of the Legislature in 1931 to their borrowing from their shares in the development account for the ordinary maintenance of roads. The loans are interest free loans and are to be restored to schemes of development as circumstances permit.

The balance of Rs. 1,02·12 lakhs with Local Governments may seem unduly large, but, in considering it, there are a number of important points which must be remembered. As I have explained, the total amount distributed represents 4½ years revenue. Although the additional petrol duty was imposed from 1st March, 1929, the enabling Resolution was not adopted by the Central Legislature until March, 1930. A Conference was immediately summoned in April, 1930 to consider schemes, and the first programmes were approved in July of that year. The expenditure from provincial shares in the Road Development Account is subject to the vote of the Provincial Legislatures, and, as this had, in most cases, to be obtained after the first programmes were approved, there was little or no expenditure up to the end of 1930-31, that is, during the first two years after the account was created. The figures of expenditure up to date virtually represent, therefore, three years expenditure of 4½ years' revenue. Nor is this all. Almost before work was started on the various programmes, the financial depression caused general dislocation and necessitated reconsideration of the position. Local Governments were naturally averse from adding to their liabilities for maintenance, some of them, as we have seen, were compelled to borrow from the account for ordinary maintenance or for works previously in progress, whilst others felt that they must conserve all possible resources even those earmarked for road development. There has been, however, I am glad to say, recently a very marked improvement in this respect and, having regard to all the past circumstances and to the fact that all expenditure on works in progress has, during the next nine months, to be met from the present balance, the position does not, at any rate in the majority of the Provinces, seem unsatisfactory. Bengal, the Province which has the largest unspent balance in its road account, Rs. 29·41 lakhs, has recently given us an assurance that they intend to go ahead, and that, out of their estimated receipts for the first quinquennium, only Rs. 1·80 lakhs remain unearmarked. Other Provinces, which have fairly large sums at their credit, are taking steps to reduce them, and there is no doubt that, if the House accepts this Resolution, and Provincial Governments know exactly where they stand, they will be far more ready to expedite their proposals for development.

A word should now be said about the reserve with the Government of India. The amount that has accrued up to date is, as I have stated already, Rs. 45·90 lakhs. To this has to be added the voluntary contribution of the oil companies in 1929 amounting to Rs. 9·89 lakhs. When

the additional levy of two annas per gallon was imposed in March, 1929, the oil companies immediately raised their prices by two annas and the sum of Rs. 9.39 lakhs represents the amount realised by this enhancement of the price of stocks on which customs and excise duties had been paid at the old rate. With the approval of the Standing Committee on Roads, this amount was added to the reserve making it Rs. 55.29 lakhs. Of that amount, a sum of two lakhs has gone for the Road Engineer and his establishment, just over three lakhs to experiments and research and Rs. 41.26 lakhs have been either sanctioned, promised or earmarked as special grants for special works. Schemes selected for such special grants have been chosen primarily on their merits without regard to their locality, but the financial position of the Province or State concerned has naturally been taken into consideration in making these grants. The reserve has proved most useful in making possible the construction of bridges and missing sections of roads which, in the financial conditions of the Provinces or States concerned, would without it never have been built or constructed. The bridging of three bad rivers on the Bombay-Agra road, the opening up of a through road from Indore to Ajmer and another from Indore to Dohad and Gujarat, the completion of a road from Shillong to Sylhet and the opening up of a road between Bhopal and Saugor, are all examples of the usefulness of a small central fund to stimulate and co-ordinate development. It may also interest the House and would, I am sure, particularly interest my Honourable friend, Mr. Lalchand Navalrai, if he were here, to know that we have met from the reserve the cost of an officer on special duty to investigate the possibilities of road development in Sind. So, Sir, the position is that, thanks to the Road Development Account, India has had five crores more to spend on roads during the last five years than would otherwise have been the case. Half a crore of that has been utilised by the Government of India for the good of India as a whole. Of the $3\frac{1}{4}$ crores, which have been distributed to British India, two crores have been spent on new works, half a crore has been diverted to the maintenance of works which, but for that account, would not have been kept up, and there is still a balance of a little over one crore to be spent. I hope, Sir, that I have said sufficient to show the value to India of the Road Development Account and the desirability that it should continue very much in its present form. And that brings me to the differences between the present Resolution and its predecessor. I need not, I think, make more than a passing reference to the question of the form in which this Resolution has been placed before the House. As the House is aware, my Department has now the advantage of having as its Secretary a draftsman of whose ability all those of its Members who have served on Select Committees must be very fully aware. We have taken advantage of that to present the Resolution to the House in a simpler, clearer and more logical form.

The first important respect in which the new Resolution differs from the old one is that no limit of time has been placed on the period for which it will be operative. The road development has, we think, and I trust that that will also be the view of the House, proved its usefulness and justified its continuance. There would seem no reason why bounds should be set to its existence. Neither this Government nor this House can bind their successors, and whilst we hope that the Road Development Account may form a permanent feature of the new Constitution, it will obviously be open to the Government of the future, as indeed for that

[Sir Frank Noyce.]

matter it is open to the Government of the present, to mend it or to end it, always provided that they secure the consent of this House. Meanwhile, it will, I hope, be agreed that it is desirable that Local Governments should be given as much assurance as is possible of the continuance of the account, so that they may go ahead with their schemes for development. It is for that reason that we have removed the time limit.

The second point of difference between the new Resolution and the old one is in respect of the amount which has been allotted as a reserve to the Government of India. This has been raised from 10 to 15 per cent. The House will not be surprised to learn that this provision in the Resolution has met with criticism from some Local Governments, though it was accepted without hesitation by the majority of them. The Provinces are naturally divided in opinion. On the one hand, there are poor Provinces such as Assam and Bihar and Orissa which have no large cities and whose road systems are not very well developed. They naturally feel that the distribution should be more in accordance with needs. (*Mr. Gaya Prasad Singh*: "Hear, hear.") I note that that sentiment is receiving applause from my Honourable friend, Mr. Gaya Prasad Singh, but I can imagine that it will receive even greater applause from my Honourable friend, the Deputy President. The case of Assam is a specially hard one. Assam unfortunately is working in a vicious circle. In order to develop, it wants communications, but unfortunately it cannot find money to pay for them until it has developed. On the other hand, Sir, there are those Provinces which feel that there should be no greater departure from the principle of basing distribution on petrol consumption than is provided in the existing scheme under which ten per cent is reserved to the Government of India. Well, Sir, I must frankly admit that it is not easy, in fact it is impossible, to reconcile these conflicting points of view, both of which have found expression in amendments which are on the agenda paper and in both of which there is considerable force. The suggestion has been made that one-half the distribution should be made on the basis of area, population, revenue and requirements in the matter of roads, the other half being distributed on the basis of petrol consumption. Another suggestion is that no Province except the North-West Frontier Province, which has already been well provided with roads for military purposes, should get less than six per cent and that this could be arranged by earmarking a further ten per cent of the distributable total, bringing the reserve of the Government of India up to 20 per cent. Both these suggestions present considerable difficulties. The best solution of the problem has seemed to us and to the Standing Advisory Committee on Roads to lie in a compromise, and that compromise is represented by the figure of 15 per cent. which has been adopted in the Resolution. The additional five lakhs per annum that this will give us,—we hope that amount will rapidly increase, but that is what it would be on the basis of past figures,—will not enable the Government of India to give very substantial grants to backward Provinces, but it should, to some extent, improve the position of those Provinces.

The third point of difference between the new Resolution and the old one lies in the enlarged scope of the fund. The uses to which the fund could be put were not made very clear in the old Resolution, but it is,

I think, correct to say that in administering it the Government of India and the Standing Advisory Committee have felt themselves bound to a large extent by paragraph 77 of the Report of the Jayakar Committee to which reference was made in the opening paragraph of that Resolution.

The relevant part of that paragraph reads as follows:

"Strictly speaking, it might perhaps be correct to confine expenditure from central revenues to projects which may fairly be regarded as benefiting India as a whole, or as aiding the proper administration of a central subject, and ultimately it may be found desirable to restrict grants to roads classed as arterial or to roads for instance which are definitely feeders to railways."

It is only fair to say that the Committee added that:

"until the road system of India takes firmer shape, considerable latitude will probably be found necessary; and any project in a provincial programme may be approved which is part of a consistent plan of road development."

But the sentences of the Report, I first read out, were very present to the minds of the Road Conference on April, 1930, which was evidently influenced by the then prevalent idea that it would be difficult for the Central Government and Advisory Committee to adjudicate on the merits of schemes of local importance. In the belief,—unfortunately, owing to the financial crisis which supervened, a belief which was not well founded,—that provincial resources would continue to be available for local schemes, it hurriedly drew up a classification which favoured important trunk roads. Since then, with the almost total cessation of other resources and because of the need for rural roads which was stressed at the Road-Rail Conference last year, there has been a tendency to prefer schemes other than the Class I and Class II schemes recommended by the Road Conference. This tendency has found concrete expression in paragraph 8 of the Resolution which recommends that the Governor General in Council should bear in mind the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

Paragraph 77 of the Jayakar Report recommended that the maintenance of works provided from the account might be debited to the account. It will, I think, be obvious that so long as the account was limited to a period of five years, this recommendation had little practical value. Paragraph 7(1), parts (iv) and (v) of the Resolution now before the House provide that the maintenance charges on works constructed from the Road Development Account or from loan funds may be debited to the account in special cases. The House will wish to know, as did the Provincial representatives with whom the question was discussed at the recent Conference, what exactly is meant by "special cases". There are two reasons why it does not seem desirable that maintenance charges should be automatically debited to the account. In the first place, reconstruction may actually lead to reduced maintenance charges which should clearly not be so debited; and, in the second, while it may be necessary, when a scheme is undertaken for a Local Government, to have an assurance that provision for maintenance will be forthcoming from this source, it does not follow that the financial position of the Local Government will continue to be such as to justify this in perpetuity. If the Resolution is accepted, the intention is that approval to the debit of maintenance charges should normally be given for a period of five years

[Sir Frank Noyce.]

at a time. The position in regard to loan charges is, of course, different. Once they are admitted as a debit to the account, they will obviously remain admissible for the duration of the loan. I do not think that the provision in the Resolution that allocations from the fund may be expended on the interest and amortization of loans taken after the date of the Resolution and spent on the construction, reconstruction or substantial improvement of roads and bridges requires either explanation or justification after what the House has heard from my Honourable colleague, the Finance Member, this Session in regard to the desirability of capital expenditure at a time like the present when things are taking a turn for the better. I would only say that we are suggesting to Local Governments, the desirability of expediting schemes of road development by the use of loan funds and that where they are not in a position to mortgage future revenues for the service of loans, we believe that the capitalisation of provincial shares in the Road Development Account for this purpose may frequently be in the best interests of road development.

That, Sir, completes all that need be said of the differences between the new Resolution and the one it replaces.

In conclusion, I would remind the House that the Resolution, I am now placing before it, has been drafted after close consultation both with Local Governments and with the Standing Advisory Committee. I should mention for the information of the House that the question of road development was discussed at the recent Provincial Conference and that the impression I gained from the discussion was that the provincial representatives welcomed the Resolution in its new form as they felt that it would enable them to undertake schemes of road development from the account or from loan funds without misgivings as to the future.

I would also remind the House once again that roads are a provincial transferred subject and that the Road Development Account can, therefore, only be successfully administered in the best interests of India if there is goodwill and co-operation on the part of all concerned in the Provinces and at the Centre. If the House accepts the Resolution, I can assure it that that goodwill and co-operation on the part of the Government of India will be forthcoming, and I have no doubt whatever that the Standing Advisory Committee which was elected yesterday will give as valuable assistance to Government in carrying out the functions assigned to them by the Resolution as its predecessors have done. Sir, I move. (Cheers.)

Mr. President (The Honourable Sir Shanmukham Chetty): Resolution moved:

"In supersession of the Resolution adopted by this Assembly on the 4th February, 1930, as supplemented by the Resolution adopted by this Assembly on the 3rd October, 1931, this Assembly recommends to the Governor General-in-Council that:

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than two annas per gallon, and the proceeds thereof shall be applied for the purposes of road development.

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum equivalent to the share in such proceeds arising from motor spirit used for purposes of civil aviation during the calendar year ending in the financial year concerned, and such sum shall be at the disposal of the Governor General-in-Council for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Account.

3. (1) The annual block grant shall be allotted as follows :

- (a) a portion equal to fifteen per cent. shall be retained by the Governor General-in-Council as a Central reserve;
 - (b) out of the remainder there shall be allotted :
 - (i) a portion to each Governor's Province for expenditure in the Province;
 - (ii) a portion to the Governor General-in-Council for expenditure elsewhere in British India;
 - (iii) a portion to the Governor General-in-Council for expenditure in Indian States and administered areas;
- in the ratio which the consumption of motor spirit in each area to which an allotment is to be made bears to the total consumption in India during the calendar year ending during the financial year concerned :

Provided that for the purposes of these allotments the consumption of motor spirit in Jammu and Kashmir shall be disregarded.

(2) The portion allotted to a Governor's Province shall be placed at the disposal of that Province in one or more instalments, as soon as the distribution can conveniently be made.

4. The balance to the credit of the Road Account or of any allotment thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Account save as hereinafter provided.

6. The Central reserve with the Governor General-in-Council shall be applied firstly to defraying the cost of administering the Road Development Account, and thereafter upon such schemes for research and intelligence and upon such special grants-in-aid as the Governor General-in-Council may approve.

7. (1) All allotments for expenditure in British India may, subject to the previous approval of the Governor General-in-Council to each proposal made, be expended upon any of the following objects, namely :

- (i) on the construction of new roads and bridges of any sort;
- (ii) on the reconstruction or substantial improvement of existing roads and bridges;
- (iii) on the interest and amortization of loans taken after the date of this Resolution and spent on the construction, reconstruction or substantial improvement of roads and bridges;
- (iv) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Account since 1930;
- (v) in special cases, on the maintenance of roads or bridges constructed, reconstructed or substantially improved from loan funds after the date of this Resolution.

(2) Where any part of a provincial allotment of the Road Account is to be applied for the payment of interest and amortization of loans under clause (iii) above, such payment shall be a first charge on all allotments to that Province.

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Account, the Governor General-in-Council shall bear in mind the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

9. The following special rules shall apply to Burma, namely :

- (a) The portion of the Road Account allotted to Burma shall be further apportioned between the Shan States and the rest of Burma in the manner indicated in paragraph 3.
- (b) Instead of the approval of the Governor General-in-Council to any proposal under paragraph 7. the approval of the Governor, after consultation with the Federal Council, shall be required for schemes in the Shan States, and the approval of the Local Government, with the concurrence of the Local Legislature, shall be required for schemes in the rest of Burma.

[Mr. President.] |

10. (1) A Standing Committee for Roads shall be constituted each financial year consisting of :

- (a) the Member of the Governor General's Executive Council in charge of the Department dealing with roads,
- (b) two nominated official Members of whom one shall be a member of the Legislative Assembly,
- (c) three members elected by the Members of the Council of State from amongst themselves, and
- (d) six members elected by the Members of the Legislative Assembly from amongst themselves.

(2) No approval to any proposal for expenditure from the Road Account shall be given by the Committee unless it is supported by :

- (i) a majority of the members present and voting who are Members of the Legislative Assembly, and
- (ii) a majority of the members of the whole Committee present and voting.

(3) All proposals for expenditure from the Central reserve and all other proposals for expenditure from the Road Account to be made in British India (excluding Burma) shall be referred by the Governor General-in-Council to the Standing Committee before he approves of them.

11. The functions of the Standing Committee shall be :

- (a) To consider the annual budget and accounts of the Road Account.
- (b) To advise upon all proposals for expenditure from the Central reserve.
- (c) To advise upon the desirability of all other proposals involving expenditure from the Road Account in British India (excluding Burma).
- (d) To advise the Governor General-in-Council generally on all questions relating to roads and road traffic which the Governor General-in-Council may refer to them."

There will be a general discussion on the Resolution, and, afterwards, Honourable Members, who have given notice of amendments, can move them if they wish to do so.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): May I suggest, Sir, to save time, that all the amendments may be moved and afterwards vote may be taken, and the discussion may continue on the Resolution and the amendments taken together?

Mr. President (The Honourable Sir Shanmukham Chetty): If that will meet the convenience of the House, the Chair has no objection.

Dr. Ziauddin Ahmad: Sir, I beg to move the amendments that are in my name, which are as follows:

- "(1) That in clause 1, the words 'not less than' be omitted.
- (2) That clause 6 be omitted.
- (3) That sub-clause (1) (iii) of clause 7 be omitted.
- .. (4) That sub-clause (2) of clause 7 be omitted.
- (5) That after sub-clause (d) of clause 11, the following new sub-clause be added :
'(e) To see that the grants given under clause 3 are spent upon objects mentioned in clause 7'."

I do not like to speak twice on this motion, and I would like to have a silent vote recorded on all these amendments, some of which I may perhaps withdraw after discussion. But before beginning the general discussion on the Resolution, I may be permitted to say a few words about the

Leader of the House who is practically sitting here on the very last day and perhaps the very last moment. I do not claim his acquaintance extending to long years as some of my Honourable colleagues possibly here may claim. I met him for the first time in 1901, that is 33 years ago, when he and I were staying together with Lord Stanley of Alderley at Hollyhead. I lived with him for over ten days, I had a very good opinion about his genial temperament and about his social virtues. From my experience after coming into contact with him during the last four years, I was strengthened in the expectations I made 33 years ago. About his legal knowledge I cannot speak myself with confidence. But the very fact that he was selected to act as the Advocate General of Bengal is in itself a guarantee that he must have first rate legal knowledge, because this position is always given to a person who undoubtedly holds very high position in the profession of law. He has shown on so many occasions a very good knowledge of his legal abilities. I may say that I envy Bengal on what till now Bengal envied India. But we hope that wherever he will go, though he may be engaged in provincial work, he will not forget the all India problems whose destiny he has guided during the last five years. I assure him that this House will miss him, and we will always remember his genial temper, his good jokes and all his pleasantries; and here I may add personally that it will not be a good temptation in future for me to make long speeches, because there would be no one in the House to appreciate them.

Coming to the Resolution, the road problem in India is really a very important problem. At present we know that we have got 5,00,000 miles of roads in India, out of which only a small fraction, only 58,000 miles are really metalled roads, and even these 58,000 miles are not in good condition: they are so much neglected; and all those who possess motor cars think several times before using a good many of these roads: they have to pay a tax for the maintenance of the roads; and we think several times to use these roads which are maintained at our expense. The want of roads is really greatly felt in the rural areas, and, as the Honourable Member pointed out, rural development in this country cannot possibly improve to a large extent unless provision is made for these roads. In these days of depression, it is very desirable to undertake capital expenditure and the best form of capital expenditure is the development of the rural roads. We know very well that there are a very large number of villages which are cut off from the towns for about four months in a year during the rainy season. It is impossible to reach those villages and very often the produce of these villages cannot be brought to the railway stations or to the towns for want of good transport. Sir, one gentleman,—I think it was Mr. Bashiram, the Development Officer of New Delhi,—calculated that if only 14 carts passed every day over a road, then it was worth while to build a metalled road. The cost of maintenance, the interest charges and all the other charges will be met by the saving in labour of the 14 carts passing over that particular road, and I daresay that more than 14 carts pass through a particular road from railway stations and towns to important villages. So, even as a business proposition, barring the question of the development of rural areas, it is very desirable that we should undertake on a large scale the scheme of road construction. These roads need not necessarily be all metalled roads, because in Egypt we find that a good many roads are *kutcha* roads which are prepared by merely sprinkling water, and they can be used even for motor traffic. Similarly, it will be very easy to make such

[Dr. Ziauddin Ahmad.]

kutch roads suitable not merely for motor car traffic, but also for village cart traffic, and I think this is really a matter on which both the Government of India and the Local Governments should concentrate their attention. We have been repeatedly saying that this House paid very little attention to the rural problem. Of course, recently we have changed our policy, and we are now determined to do something for the rural area, and this particular scheme, I think, if it is taken up by the Government of India systematically, will help the rural population to an enormous extent. The cost of building roads in India is comparatively much less than in other countries. In India, labour costs only 20 per cent., while the materials cost 80 per cent., and, as against this, in European countries, the materials cost about 70 to 77 per cent. and labour costs 23 to 30 per cent., and the reason is that wages of labour in European countries is approximately one rupee per hour. In India, it is only one anna per hour, so that labour in India is about 1/16th time of the cost in other European countries, and the materials here for road constructions are readily available. Therefore, I see no reason why, in the interests of the rural areas and with a view to affording employment to the unemployed population, we should not take up the question of construction of roads on a large scale. The cost of constructing a *pucca* road in this country comes to only about Rs. 6,000 per mile, out of which Rs. 1,200 are spent on labour and Rs. 4,800 on material.

One more thing I should like to point out. We have got the canal roads. Of course, one bank is very often used by canal officers and I see no reason why the second bank should not be used by the travelling public and for transporting rural commodities to important towns. The condition of the roads, as I have just pointed out, is exceedingly bad in India. The reason is that Local Governments have handed over the supervision of the roads to the local bodies,—Municipalities and District Boards. Since this matter has been transferred to the local bodies, the condition of the roads has gone from bad to worse. The Local Councils are timid and weak; they cannot take any interest, because the people who are responsible for the supervision of the roads in local bodies are the voters of the Members to the Councils, and they are always afraid of taking any action against the local authorities lest it might adversely affect their election. It is common knowledge that in every town there is only one good road, and you can guess what that good road will be. It is called the Chairman's road,—that is the road leading from the town to the headquarters of the Chairman, and the other is always a bad road, and that is the road of the ex-Chairman, because whatever money is spent for improvements during the chairmanship of one person, his successor sees that the whole thing done by his predecessor is undone. I always feel great hesitation in taking a new car over such roads. Have I not got a right to say, that when I pay two annas extra for the maintenance of the roads, the roads should be maintained in good condition? Therefore, there should be some kind of supervision from the Government of India and the Local Governments on the work of the District and the Municipal Boards.

In the United Provinces, a Road Traffic Taxation Committee was convened in the year 1932. This Committee also recommended, at page 10 of their Report, that a Board of Communications should be established in each Province, and they said that this Board should have power to make grants in accordance with their general recommendations to such of the local authorities as are willing to construct new metalled roads, new bridges

or culverts, so as to develop through communications, and so on. This was their recommendation, and I think it should be the duty of this new Committee, which we are going to form today, to impress upon all Local Governments to establish such Boards of Communications without further delay and they should exercise some suitable control over the local authorities, that is, the District Boards, Local Boards, and see that the funds given to them are properly spent.

There is one more point. The Honourable Member pointed out that he was

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member has just got two minutes more.

Dr. Ziauddin Ahmad: If I had moved these amendments separately, I would have got 15 minutes for each of my amendments. I am condensing five speeches into one, and I think I should get a little more time.

Now, Sir, the Local Governments complained that they did not know what was the exact amount due to them. In the report just quoted one member pointed out that the share of the United Provinces is not less than 50 lakhs, and everybody said that they did not know what the exact amount was. Therefore, I think it is fair that the share of Rs. 3,46 lakhs should be properly divided among the various Provinces, and the Provinces should know definitely what their share is.

The next thing I should like to say is this. The best roads ever devised in the world are the roads in New York, where they are divided on a rectangular basis, and there we can exactly find out where a man is standing. Here the roads are divided on hexagonal basis. The centre is the Secretariat and there is hexagon at four corners, one at Panchquin Road, the other at Safdar Jung, a third at the Memorial Arch and a fourth at the Connaught Place. The roads here can be marked on the basis of trilinear co-ordinates.

The Honourable Sir Frank Noyce: I am sorry to interrupt my Honourable friend. As you, Sir, have pointed out, his time is very
12 Noon. limited, and I find it a little difficult to understand why he is expending it on the subject of numbering of the roads in New Delhi which has nothing whatever to do with road development in India. We give no money from the Road Development Account for roads in New Delhi; that is given by the Government of India.

Dr. Ziauddin Ahmad: I would have finished by this time had not the Honourable gentleman interrupted. The Honourable Member himself suggested that I could develop this point on this Resolution, when I failed to do so on my own Resolution; and, on that understanding, I am introducing this point. I am not going to take up the time of the House much longer. The men, who devised these roads, did them on sound principle and in a nice manner. But we made no use of the good design. We named these roads without any principle, and it is very difficult to find out where a particular road is. Neither are the names of the roads given in a proper order, nor are there any numbers by which they can be traced. And unless there is some clue, it is very difficult for a stranger in New Delhi to know where a particular road is or where a house is situated. The whole question ought to be taken up and tackled immediately.

Mr. President (The Honourable Sir Shanmukham Chetty): Amendments moved:

- “(1) That in clause 1, the words ‘not less than’ be omitted.
- (2) That clause 6 be omitted.
- (3) That sub-clause (1) (iii) of clause 7 be omitted.
- (4) That sub-clause (2) of clause 7 be omitted.
- (5) That after sub-clause (d) of clause 11, the following new sub-clause be added :
 ‘(e) To see that the grants given under clause 3 are spent upon objects mentioned in clause 7.’”

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muham-madan): Sir, I welcome this Resolution which has been read out by my Honourable friend, Sir Frank Noyce, accompanied by a speech of exceptional clearness and fair play to all the Provinces concerned. Sir, as I understand it is the general desire of the House to conclude the business before Lunch, I shall not take more than four or five minutes. I shall merely give a few salient points of this long Resolution and offer just one or two running comments on them.

In the first place, this Resolution seeks to continue the extra duty on motor spirit which we have been levying for some time past at the rate of not less than two annas per gallon, and the proceeds thereof shall be applied for the purposes of road development. One portion of this fund is to be used for the development of civil aviation. This is a very satisfactory and encouraging feature. In proportion to the proceeds arising from motor spirit used for the purposes of civil aviation, the sum will be utilised as grants-in-aid for the development of civil aviation. Civil aviation is in its infancy in this country. The Retrenchment Committee stopped the development of civil aviation, but, I am glad to see that the Government have decided to spend some part of the money from this tax on the development of civil aviation. I hope this object will be steadily kept in view and that in the development of civil aviation the claims of Indians for training and employment will not be forgotten.

Another part of the Resolution seeks to indicate the way in which the distribution of this tax is to be made. Out of the Central reserve, a portion will be applied to defraying the cost of administering the Road Development Account, and, thereafter, upon such schemes for research and intelligence and upon such special grants-in-aid as the Governor General-in-Council may approve. There is one point which I should like to emphasise. It has been referred to by my Honourable friend, Sir Frank Noyce, namely, that the claims of those Provinces where road development is not at a high stage must be taken into account. There is an amendment standing in the name of my Honourable friend, Rai Bahadur Sukhraj Roy, to the effect that in distributing the funds care must be taken to see that this distribution is on the basis of area, population and the stage of development reached by each unit. I think this is a very equitable mode of distribution. There are two Provinces specially where road development has not reached a very high stage, namely, Bihar and Orissa, and the Province of Assam, and it is necessary that some basis should be reached by which a fair grant may be made out of this fund for the development of roads in these two Provinces, especially in my Province Bihar, where, on account of the earthquake, almost all the important roads have been cut up, torn and

destroyed. It is desirable that in addition to whatever funds may be available out of the Government of India's grant a substantial portion of this Road Fund should be utilised for the purpose of road development in Bihar.

Another satisfactory feature of the proposal is that it is intended to improve the efficiency and reduce the cost of transport by road of agricultural produce to markets and railways. In an agricultural country like India, it is very essential that facilities should be given to the agriculturists for the purpose of marketing their agricultural produce. The cost of carriage of agricultural produce from the fields to the markets either by means of railways or by means of road is very considerable, and anything which tends to diminish the cost of transport by providing better facilities of road development will be very welcome to the agriculturists. Therefore, this portion of the Resolution is highly beneficial for the purpose of the marketing of agricultural products.

The last point to which I should like merely to refer is the way in which the Standing Committee for Roads is to be constituted. I have nothing to say with regard to these minor matters. I think that this Resolution is one which we should on the whole accept gladly, and watch with interest as to how the scheme works. I will only emphasize lastly the needs of my Province, and if I understood my Honourable friend, Sir Frank Noyce, correctly, he has stated that a considerable portion of the produce will be utilised according to the needs of the different Provinces. That is probably what he said. If that is so, I hope the claim of my Province and the Province of Assam from which my Honourable friend, the Deputy President, hails will be taken into account, and a liberal grant made to Bihar. With these few words, I support this Resolution.

Before resuming my seat, I should like to associate myself with Dr. Ziauddin Ahmad in what he said with regard to my Honourable friend, the Leader of the House. He has been with us for so many years that we shall certainly miss him, as well as his colleague sitting on his right, but it is a matter for satisfaction that he is translated from one sphere of activity to another, and we hope to see him sometimes in Calcutta and elsewhere.

Mr Abdul Matin Chaudhury (Assam, Muhammadan): While I am grateful to the Honourable Member for Industries and Labour for the assurance that he has conveyed in his speech that my Province of Assam and also Bihar will receive better treatment in the future than it has been receiving in the past, I find myself in disagreement with some of the proposals contained in the Resolution. I refer particularly to the proposal about the method of distribution of the proceeds of the Road Fund. The present Resolution practically confirms and perpetuates that very iniquitable system of distribution that was adopted by the Assembly on a previous occasion and which, experience has shown, has proved detrimental to the interests of Provinces like Bihar, Orissa, Assam and the C. P., which have got a comparatively undeveloped road system.

When, in the year 1927, the Central Road Development Committee was first appointed, the idea was to develop the road system of India as a whole and it was naturally expected that those Provinces which had got a leeway to make up in the matter of road development would receive assistance from the Central Government in proportion to their needs. It was also expected that the great disparity that at present exists in the way of road development in different Provinces would also be eliminated

[Mr. Abdul Matin Chaudhury.]

and efforts would be made to approximate an uniform standard of development throughout India, but the method that was adopted for distributing the proceeds from the Road Fund has, to a great extent, defeated the object for which the Fund was instituted, and, instead of remedying those defects, instead of revising their method of distribution, this Resolution gives a new lease of life to the present method of distribution and this affects adversely the interests of the Provinces I have mentioned.

As the Honourable Sir Frank Noyce has pointed out, according to the Resolution of 1930, ten per cent was kept as a reserve by the Government of India, and the balance was distributed among the different Provinces in the ratio that the consumption of petrol in a Province bears to the total consumption of the whole of India. Now, according to the present Resolution, that reserve is proposed to be increased to 15 per cent, probably with the intention that the iniquity of the distribution on a consumption basis may be partially removed. The main objection against this distribution on a consumption basis is this. If you distribute the proceeds of the Road Fund on the basis of the petrol consumption, it will mean that those Provinces, which are now well-provided with good roads, where naturally there is heavier motor traffic and heavier petrol consumption, will receive a disproportionately larger share, while those Provinces, which have got a comparatively undeveloped road system and less motor traffic, will get much less. While efforts should be made to develop the undeveloped Provinces, the result of the present method of distribution is that it makes the fat all the fatter and the lean Provinces correspondingly leaner. Take, for example, the case of Madras and Assam. In Madras, there are 150 miles of roads for every thousand square miles of area. Assam has only 10½. Still the Government of India give 15 per cent of the Road Fund to Madras and only 2·2 to Assam. It is because Madras consumes more petrol than Assam does and naturally because Madras has a bigger mileage of roads, petrol consumption there is very much higher. So the result of this method of distribution on the basis of petrol consumption is that we are feeding the over-fed Provinces and there is another defect in the present method of distribution on a consumption basis. Those Provinces which have got big towns and cities within their borders, where the petrol consumption is heavier, get better advantage than those Provinces which have got small towns inside their border. There is no special reason why the Provinces which have got the incidental advantage of having big towns within their borders should get preference over Provinces which have got only small towns. The present method is purely an arbitrary method and should have been replaced by a more equitable method of distribution. I may remind the Honourable Member that when the Road Development Committee was appointed, they appointed a sub-committee to enquire specifically about the financing of the road development system and distributing the proceeds of the Road Fund. They did not recommend petrol consumption as the exclusive criterion for distribution. What they said was that, in distributing the proceeds of the Road Fund, Government ought to take into consideration other relevant factors like area, population and stage of development in different Provinces, but the Government of India ignored that recommendation of the sub-committee and adopted a more inequitable system of distribution. The result has been that Provinces like

C.P., Bihar, Assam and N. W. F. P. have suffered. The area of these Provinces is twice as much as that of Madras and three times as much as Madras, Bengal and Bombay. Still these four Provinces combined get less from the Road Development Fund than the single Province of Madras, Bombay or Bengal. The Government of India rejected the recommendation of the sub-committee and adopted a new and simpler but, I will say, again, a more inequitable method of distribution. I find myself in agreement with the amendment that stands in the name of my friend, Rai Bahadur Sukhraj Roy. He suggests that the criterion should be area, population and stage of development of each Province. But if that is not possible, if that is more complex, and if that proves unworkable, I think the Government of India ought to increase their reserve at least to twenty-five per cent and make sure that no Province gets less than $7\frac{1}{2}$ per cent from the Road Development Fund. That would help to remove the present disparity and enable the Provinces to make better provision for roads in their respective areas.

I would now say only one word, Sir, for the Province of Assam. I again thank the Honourable Member for the assurance that in Assam we shall get a little more from him this time than we have been getting in the past, but our case is very peculiar. Assam has got the lowest mileage in India compared to its size. Honourable Members will be surprised to hear that with an area of 66,000 square miles in Assam, we have got only 600 miles of metalled roads.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammudan Urban): What about the hill tracts?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammudan Rural): What is the population?

Mr. Abdul Matin Chaudhury: Now, if we compared that with Madras, with its area of 122,000 sq. miles, they have 22,000 miles of roads, while we have got only six hundred miles. Even if we exclude half of the area for the hill tracts, which is a very much big margin, still we shall have only 600 miles in an area of 33,000 sq. miles, while you have 22,000 miles of roads in an area of 122,000 sq. miles.

Diwan Bahadur A. Ramaswami Mudaliar: And we made those roads before the petrol duty came.

Mr. Abdul Matin Chaudhury: If you accept the basis that the Provinces would get back what they pay as duty,—I find my friend, Sir George Schuster, is not here—then we pay one crore 25 lakhs of excise duty on petrol and give us back that amount.

Diwan Bahadur A. Ramaswami Mudaliar: But you do not pay for it, we pay for it.

Mr. Abdul Matin Chaudhury: What I say is that we are a most backward Province in the matter of road development in India and our need is greater than that of any other Province. As my Honourable friend, Sir Frank Noyce, has stated, we have got a vast area of land,

[Mr. Abdul Matin Chaudhury.]

about 50 million acres in the interior of the country, which is inaccessible, because there are no roads, and I think Honourable Members will agree that the first step in colonising an area is to make roads. Sir, the Government of India have spent crores and crores of rupees on irrigation and colonization schemes in the different Provinces, but they have not spent a single rupee for colonization purposes or allied purposes or on road development in my Province. Having regard to all these facts, I hope the Government of India will remember the special claims of Assam when they make a distribution from their reserve.

Mr. G. Morgan (Bengal: European): Sir, I rise to support the Resolution moved by the Honourable Member for Industries and Labour. Road development in India is one which requires considerable co-ordination. Under the old Resolution, as a member of the Road Committee, I can say that we found ourselves very much handicapped by the terms of that Resolution, and, therefore, I welcome this new Resolution, especially items 7 and 8, which are the most important of the whole Resolution. I take it that the policy of the Government of India in connection with this road development is one of co-ordination of policy with the Provincial Governments. I know the difficulties. I know that the Provincial Governments are very jealous of their rights as regards this transferred subject, but there is no reason to my mind why there should not be complete co-ordination of policy on the lines of road development.

With regard to what my Honourable friend, the Deputy President, said about Assam, that is a matter which I have been studying personally for some time past. Assam is in a rather peculiar position, and if we take it that the idea is road development in India as a whole, then grants on the consumption basis only would mean that Assam would never be in any better position than she is in today. Assam has two main arteries of transport—the Assam-Bengal Railway and the Brahmaputra. It has practically no interest at all in what we might call “federal communications”, and, therefore, it is necessary, and now that the power is given under this Resolution, it is necessary that the Road Development Grant should proceed on the lines of bringing the transport roads into connection with the two main arteries in that Province.

Now, Sir, I do not want to take up the time of the House, because the Honourable Member has given a full explanation of all the objects which are contained in this Resolution, but I would like to mention what my Honourable friend, Dr. Ziauddin Ahmad, said about the roads in Egypt. I do not know how the roads in Egypt are made, but I very much doubt whether a little water, or water even in large quantities, sprinkled on the soil of roads in India would have any lasting effect on the soil of roads of India, but there are definite schemes now being tested in which soil stabilization with, I understand, bitumen emulsion is being carried out, which, it is claimed, are worthy of development and, if successful, would revolutionise the whole of the *kutch* road development. If they are successful, then, I am sure, all the difficulties with regard to the want of metal in various parts of India will be overcome. My friend, Dr. Ziauddin Ahmad, said that the materials were ready and available. I am quite certain that the Road Engineer will deny that statement. The materials are not readily available in very many of the most important districts in India, and I think Sind, if I am right, is one

in which it is very difficult to get the necessary material and one in which the soil stabilization system of road-making will be the most useful. There is also the point mentioned by the Honourable Member that continuation of work is most important, and, therefore, there should be no limit to the time of the Road Fund being in existence. It seems to me that the Provinces, who know that they can go on carrying out schemes of work which are sent up for approval, will know perfectly well that they can fix a programme of some years, and, therefore, I welcome that statement by the Honourable Member. But, Sir, I do wish to impress upon this House the necessity of complete co-ordination between the Centre and the Provinces on this question. From what we have heard so far, the Provinces are a little restive, under the impression that the Centre is trying to take the matter of road development into its own hand. We know that that is not the case, and the Honourable Member has definitely stated that, so far as co-ordination is concerned, in the Centre, all co-ordination will be given, and, therefore, Sir, I hope the Provinces will act in the same spirit and not look upon it as an attempt on the part of the Centre to take the whole of the road development schemes into their own hands, and that the policy generally will be more or less the same. In fact, there ought not to be any deviation from the general policy in this road development scheme.

I think that is all I need say on the subject. We know that rail and road competition is one of the difficulties, but we are also perfectly satisfied that there need be no competition which would be detrimental to one or the other. Government will no doubt bring in some legislation in a short time to regulate the bus traffic. We do want proper buses, and we do want certain regulations with regard to third party risks, rates, and so on. I can quite understand the passenger traffic in many instances going to buses, because it has been mentioned to me that sometimes on the railways people are given a ticket for the next station, but pay for their station, say, about hundred miles away. The man concerned has no recourse and cannot come back to the person who issued the ticket, but, when he is on a bus, he gets the ticket from the bus-conductor, and, therefore, he is perfectly certain that he has paid the right amount for the whole journey. That is all I have to say on this Resolution, and I give it my full support.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I do not wish to move my amendments Nos. 1 and 2, but I wish to move amendment Nos. 3 and 7 which run thus:

"That in sub-clause (1) (a) of clause 3, for the words 'fifteen per cent' the words 'ten per cent' be substituted.

That in sub-clause (2) of clause 3, the following be added at the end:

'with the recommendation that the whole amount thus given shall be earmarked for giving grants to the Local Boards for the development of rural communications'."

If my amendment is accepted, sub-clause (2) of clause 3 will read as follows:

"(2) The portion allotted to a Governor's Province shall be placed at the disposal of that Province in one or more instalments, as soon as the distribution can conveniently be made with the recommendation that the whole amount thus given shall be earmarked for giving grants to the Local Boards for the development of rural communications."

[Mr. T. N. Ramakrishna Reddi.]

Sir, I welcome the present Resolution as a vast improvement on the old one on the Central Road Fund. But the policy underlying the scheme of the Road Fund still continues, though it has become antiquated by this time. The original policy of the Road Development Fund was to spend this amount on the roads that are of an All-India importance and not of provincial importance. In the recommendations by the Jayakar Committee, we find that the objects for which this Road Fund should be used are these. On page 53 of the Indian Road Development Committee Report, they say :

"The development of the road system in India is desirable for the general welfare of the country as a whole and in particular (a) for the public marketing of agricultural produce, (b) for the social and political progress of the rural population which will be advanced by the increased use of motor transport and (c) as a complement to railway development."

If you examine these objects, it will be found that the Road Development Fund ought to be used mostly or entirely on the development of rural communications, because, in the first instance, it is meant for creating facilities for the better marketing of the agricultural produce. That could be done only by developing the rural communications and by linking up many villages which are now without any roads connecting with the main roads. Then, with regard to the social and political progress of the rural population which will be advanced by the increased use of motor transport. Here also nothing can be done without improving and developing rural communications, because it is clearly stated that it is meant for the development of the rural population and not for the development of the urban population, because they are already provided with good roads. Besides, the urban population has already got the luxury of motor transport. So this object also refers to the development of rural communications. In this connection, I may also state that the Jayakar Committee has observed that at present, on account of the development of motor traffic, the motor buses are running even to the remote villages wherever there are roads. Then, with regard to (c)—as a complement to the railway development. Here also, I submit, they refer to the development of only rural communications, because most of the arterial roads run parallel to the railways and thus they are not in complement to the railways, but they are running in competition with the railways. The underlying object is to develop the rural communications, so that the produce of the interior villages may find its way to the railway stations and thus serve as a complement to the development of the rural communications. But the Jayakar Committee had one difficulty. They were under the impression that the petrol tax is an all-India tax and as the Central Government have the right to levy a tax on petrol—excise duty as well as the import duty,—this amount must be spent only on roads of all-India importance. They have stated in paragraph 86 that this amount, being raised by the Central Government, should be spent on roads of all-India importance. At the same time, they observe that the Provincial Governments should spend the amount from provincial funds on village communications. Their idea is that once grants are given from the petrol tax to the Provincial Governments, these grants will be used on the trunk roads and the amounts that were previously being spent on provincial roads will be released from their obligation and then it could be utilised for the development of village communications. It is that idea

which was embodied in paragraph 86 of the Report. But what has been the result? The result has been that this amount of the Road Development Fund has so far been spent on trunk roads alone and on the improvement and construction of new bridges, but not a pie of it has been spent on village roads. On account of the stringent circumstances in the Provinces, they are not able to spend sufficient amount on village roads. Thus there has been a lop-sided development. While there has been a great development in the case of trunk roads and also in the maintenance as well as in the construction of bridges, there has been very little development of the village roads. I base my arguments on the observation made by the Mitchell-Kirkness Report at page 60 which runs:

"The Jayakar Committee admitted that they had somewhat confined themselves to main road development to the apparent neglect of subsidiary roads. But they felt that a committee of the Indian legislature should restrict itself as far as possible to questions of central finance and need not intrude too far into the concerns of local Governments and local bodies."

Further on, the Report says:

"At the same time, they hoped that the indirect benefit to village roads, which would result from their proposals would be substantial, to the extent to which local Governments and local bodies would be relieved from increased expenditure on main roads and that it would be found possible to devote more attention and money to the improvement of others in the future. The direction thus given to expenditure from the road development account has been followed but other resources, from which complementary development was looked for, have temporarily failed and the hope of other development from released resources has generally not been fulfilled."

Thus, what has been the result? They have stated on page 7:

"A broad view of the road system in British India as a whole suggests that it has become somewhat unbalanced in that the general standard and condition of trunk and main roads is relatively far superior to that of local feeder or district roads, which are in the main unmetalled."

That is to say, as a consequence of the neglect of the village roads, the trunk roads have developed enormously. Sir, I started with saying that the Government should adopt a new orientation of their policy.

Now, my Honourable friend has referred to the proceedings of the Road-Rail Conference held in 1933 and in Resolution No. 6, which, we find, was unanimously adopted, a recommendation has been made that the Government should adopt a new orientation of policy and that Resolution says as follows:

"This Conference considers that:

- * * * * *
- (b) the class of roads to which the road development account should be applied, including the maintenance of roads constructed from that account be reconsidered;
- (c) in the present circumstances the most urgent need is an improvement in the efficiency and a reduction in the cost, of the transport of agricultural produce to markets and thence to the railways, future road development programmes should be framed accordingly."

That is the policy which the Road-Rail Conference has decided that the Government should adopt. The Mitchell-Kirkness Committee also decided that:

"With the passage of time and the gradual substitution of the growing of money crops for purely subsistence farming traffic to markets on rural roads has increased; while, at the same time, there has been a tendency to make a greater use of bullock carts and less of pack animals, thus throwing a greater burden for maintenance upon local bodies and subjecting all roads to greater wear and tear."

[Mr. T. N. Ramakrishna Reddi.]

The Road Development Committee Report says :

"Finally, it is generally agreed that the condition of subsidiary roads connecting villages with main roads and with one another requires special consideration and relief. Apart from the immediate benefit to the villagers, it is obvious that main roads themselves will not develop their full economic value unless they are accessible to the villages of the tract through which they pass."

Thus, Sir, unless there is development of village roads side by side with the development of main roads, there will not be substantial benefit conferred on the rural population and hence I move my amendment, just to say that the amount which is given to the Provinces should be earmarked only for the purpose of development of rural communications.

With regard to the other amendment, I suggest that the portion to be retained by the Governor General-in-Council should be reduced from 15 per cent to 10 per cent. I submit that when the Jayakar Committee made its Report, the total amount they expected to collect from additional petrol duty was only about 60 lakhs and now it has gone up to 105 lakhs, and year after year motor traffic is growing, and there is thus more and more consumption of petrol, and thus the Government will realise more and more money. Therefore, I submit that ten per cent is quite enough, so that more money may be available for distribution to the Provinces.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendments moved:

"That in sub-clause (1) (a) of clause 3, for the words 'fifteen per cent' the words 'ten per cent' be substituted.

That in sub-clause (2) of clause 3, the following be added at the end :

'with the recommendation that the whole amount thus given shall be earmarked for giving grants to the Local Boards for the development of rural communications'."

Rai Bahadur Sukhraj Roy (Bhagalpur, Purnea and the Sonthal Parganas : Non-Muhammadian): Sir, I beg to move the following amendments:

"That in sub-clause (1) (a) of clause 3, for the words 'fifteen per cent' the words 'sixteen and a quarter per cent' be substituted."

"That in sub-clause (1) (b) of clause 3, for the words 'in the ratio which the consumption of motor spirit in each area to which an allotment is to be made bears to the total consumption in India' the following be substituted :

"The funds will be distributed on the basis of area, population and the stage of development reached by each unit'."

Sir, let me say at once that I am in full agreement with the main recommendations of this Resolution which were fully discussed at the Road-Rail Conference held in April last. I cannot, however, agree with the recommendation made in para. 3 (b) of this Resolution in which it is proposed to apportion the proceeds of the duties on petrol to the various Provinces in the ratio which the consumption of motor spirit in each Province bears to the total consumption in India. This, Sir, will operate unfairly so far as the Province I represent is concerned and also other Provinces situated as mine. There is, therefore, one point on which I must press and press strongly for a reconsideration.

To take the actual consumption of motor spirit alone as a basis for distribution is neither equitable nor compatible with the objects for which the Fund was constituted and that there are other factors of far greater importance to which due weight must be attached. The distribution of a fund for the development of communication must bear some reasonable relation to the extent of the area which this development is to serve. It

and take into account the proportionate area and population and also the stage of development of each such unit. Not to do so is to perpetuate the relative backwardness of a Province like Bihar or Assam in the matter of communication. Some weightage, therefore, must be given to the smaller Provinces to offset the weightage already enjoyed by the larger and more developed Provinces by reason of the existence of large commercial towns and of the stage of development already reached by them. It cannot be denied that the basis of petrol consumption gives most to those Provinces which are most highly developed or which are fortunate in possessing the main ports and are centres of all India trade and it gives least to those most in need of the road development, the stimulation of which is the main object of the Road Fund Account. And I would say, Sir, that these fortunate Provinces, which contain the main ports and trade centres, will stand to gain indirectly from the results of road development in the Provinces where it is most needed. Considering this also, I hope the more advanced and fortunate Provinces like Bengal, Bombay and Madras will not demur to the proposal made by me. The distribution made up to the 31st December, 1932, comes as follows:

	Amount in lakhs.	Percentage of total.
Madras	48.58	15.3
Bombay	57.64	18.2
Bengal	47.83	15.1
Bihar and Orissa	12.36	4.0
Assam	7.11	2.2

The great disparity which exists between the allocations made stand out too glaringly to need further comments. Bengal is about $\frac{1}{3}$ rd greater in area than Assam, and yet she gets not less than $7\frac{1}{2}$ times the amount allotted to Assam. Madras is about $2\frac{1}{2}$ times bigger in size than Assam, and yet she gets $7\frac{1}{2}$ times the amount given to Assam. And Bombay is about twice the size of Assam and receives nine times more than Assam.

I am, however, grateful to the Honourable Sir Frank Noyce for having increased the reserve with the Government of India from 10 to 15 per cent. This will, to some extent, go to the help of the less developed Provinces, but I venture to say that this will not go far enough to remove their crying needs. I have, therefore, recommended the increase of this reserve to $16\frac{1}{2}$ per cent. i.e., $\frac{1}{6}$ th of the proceeds of the tax. This is a very moderate demand, and I hope the House will accept this. The Indian Road Development Committee also recommended this in paragraph 7 of their report. This is necessary to enable the Government of India to give greater help in case of special need. I do not doubt, Sir, that the Provinces which benefit most from the distribution of the Fund on the basis of consumption alone will be magnanimous enough not to demur to this small contribution to the pooling of the Reserve Fund.

[Rai Bahadur Sukhraj Roy.]

In this connection, I am not a little surprised to find that my Honourable friend, Mr. R. K. Reddi, has tabled an amendment for reduction of this reserve fund to ten per cent. I would only tell him that he justifies the truth of the proverb, "The more you get, the more you want."

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendments moved:

"That in sub-clause (1) (a) of clause 3, for the words 'fifteen per cent' the words 'sixteen and a quarter per cent' be substituted."

"That in sub-clause (1) (b) of clause 3, for the words 'in the ratio which the consumption of motor spirit in each area to which an allotment is to be made bears to the total consumption in India' the following be substituted:

'The funds will be distributed on the basis of area, population and the stage of development reached by each unit'."

Sir Leslie Hudson (Bombay: European): Sir, I beg to move:

"That to sub-clause (1) of clause 3, the following further proviso be added at the end:

'Provided also that the percentage retained by the Governor General-in-Council as a Central Reserve under clause 3 (1) (a) shall be subject to revision by the Legislature at the expiry of three years'."

Sir, the House is fully aware of the object of this special reserve fund and fully aware of the operation thereof. I have no objection to that principle, and I support it. But inasmuch as the raising of the percentage affects, even to a small degree, the distribution of those funds, I think there should be some provision in the Resolution that Government should come before the House at the end of three years to revise the percentage, if necessary.

Sir, the Honourable the Deputy President has told us about Assam's position. There are other Provinces no doubt in somewhat the same position; but I would suggest that loans from the loan fund are still available to those Provinces who are willing to take advantage of the offer of the Finance Member. Well, Sir, I do not want to delay the House. When I drafted this Resolution, I thought that the Honourable Member for Industries and Labour would give an assurance to this House that he would accept this small inclusion to the Resolution. However, he has said in his speech that this Government and this House cannot commit their successors. That is a truism, but Members in charge of Departments come and go and assurances given at the time of moving Resolutions are sometimes pigeon-holed. And I think the House would feel more assured if they had some undertaking from the Honourable Member that if a Government under the present Constitution is sitting three years hence, it should come before the House for a revision of the percentage of the special fund. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Further amendment moved:

"That to sub-clause (1) of clause 3, the following further proviso be added at the end:

'Provided also that the percentage retained by the Governor General-in-Council as a Central Reserve under clause 3 (1) (a) shall be subject to revision by the Legislature at the expiry of three years'."

Mr. S. C. Mitra: Sir, the purpose of this Resolution, as it has been moved today, or at least the similar Resolution, when it was moved in 1930, was not for usurping the functions of Local Governments in the transferred department so far as roads are concerned; but from the changes that have been suggested in part 7 of this Resolution, I am very much afraid, unless the Honourable Member in charge of the Resolution can convince us otherwise, that the original purpose is going to be much altered. Sir, in part 7 of this Resolution which concerns the allotment of the expenditure in British India of the Road Fund, formerly in the old Resolution, as it is reported in page 405 of the Debates of 1930, I find that the function of the Standing Committee then was:

"(i) To consider the annual budget and accounts of the separate road development account of the Government of India;

(ii) To consider all proposals submitted by Local Governments to the Government of India", etc.

But in the present clause powers are given for spending this money:

"(i) on the construction of new roads and bridges of any sort;

(ii) on the reconstruction or substantial improvement of existing roads and bridges;

(iii) on the interest and amortisation of loans taken after the date of this Resolution", etc.

Dr. Ziauddin Ahmad: This alteration is very bad.

Mr. S. C. Mitra: My friend, Dr. Ziauddin, says "it is very bad". I agree with him that Government must explain why now they are giving so much power to the Local Governments to use this money as they like. I was a member of the first Roads Committee and we remember that we made several classifications of roads and framed specific rules as to how this money should be spent by the Provincial Governments, and I remember, in class I we put inter-provincial roads which deserved preferential treatment from this fund; in class II inter-district important roads, and we made further other classifications. Now, by this alteration in this part of the Resolution, Government are going behind the very principle for which the whole of this Road Fund was constituted. My friend, Mr. Reddi, has pointedly shown that the original purpose of this tax was that the Local Governments would be released from their responsibility of spending money on these big roads, so that their funds might be spent for the local roads and the inter-district roads. But, now, under this altered Resolution, it seems that the Local Governments will be permitted to spend their money for any roads they liked, without keeping in view the real purpose of this tax at all. As a matter of fact, I find that some of the Provinces already misused the money that was earmarked for a special purpose. As I tried to follow the argument of the Honourable the Mover of the Resolution, I think he said that the Bengal Government have a balance of 294 lakhs of rupees which they have been compelled to borrow on ordinary accounts, though earmarked for road development. I know in a similar case about the salt duty that they have spent

The Honourable Sir Frank Noves: No. I did not say that. I said that the Government of Bengal had 294 lakhs in the development account, which has not been spent and that they have assured us that it will shortly be spent. They have not yet spent it,

1 P.M.

[Sir Frank Noyce.]

because they had not schemes: I understand they have since prepared schemes and that they propose to spend it in the near future. These schemes will have to go to the Standing Committee on Roads for sanction if they have not been already approved.

Mr. S. C. Mitra: I again speak subject to correction, but I remember even in the first and second years we approved of so many schemes in Bengal that they could usefully spend all this money and not keep it in reserve; and as they have no separate earmarked funds, it may be that the whole of that money has been spent for other purposes. Like the Government of India they also put all earmarked allotments in a common fund from which they spend, and like the fund that they got from the additional salt duty and spent it for quite different purposes. I am afraid if they have any money at all in this fund now to spend. So, I suggest that this alteration in clause 7 should not be accepted by this House. Formerly it was provided that Local Governments could take money from this fund only as a loan for special purposes; but, now they provide for the spending of this fund to pay interest and amortization of loans after the date of this Resolution, and the allotments may be spent for purposes which were not strictly speaking, sanctioned by the Roads Committee.

There is one point over which there was strong difference of opinion; it is this that the ratio of reserve for the Central Government should be one-sixth of the whole tax as proposed by my friend, Mr. Sukhraj Roy, while my friend, Mr. Ramakrishna Reddi, wants to reduce it to ten per cent. I can only say that in the Resolution of 1930 we accepted ten per cent, but it was definitely stated, at that time, that after the lapse of a few years, it will be subjected to further consideration, and the Roads Committee certainly suggested that it should be one-sixth as suggested by my friend, Mr. Sukhraj Roy. They say in para. 75:

"In the first place, it is, in our opinion, necessary that a part of the proceeds of the additional duty on motor spirit should be retained by the Government of India as a reserve. Apportionment according to petrol consumption means that the larger share will go to provinces in which there are large towns. But the terms of reference to the Committee require consideration of the road system of India as a whole, and it is desirable, therefore, that there should be a reserve available for special grants where for some reason there is need for special aid. Such cases will include projects which are beyond the resources of the local government immediately concerned and are of sufficient all-India importance to justify a special grant, or again projects which concern more than one province or State, as for instance a bridge over a river on a provincial or State boundary. In addition there will be certain central expenditure on road development, as for instance on intelligence and research. We, therefore, propose that one-sixth of the total proceeds in each year should be retained by the Government of India as a reserve."

I can say in reply to my Honourable friend, the Deputy President's argument that a poor and unadvanced Province like Assam should be allowed to draw from this reserve from the Central Fund, as I think they have been allowed to do in the case of the Shillong-Sylhet Road. Unless it is proved that in the last few years there were difficulties to provide money from that reserve, due to shortness of fund, we cannot recommend to raise the ratio. I find that they had about 55.29 lakhs in the Central Fund of which they spent two lakhs on road engineers, three lakhs for experiments and they lent 41 lakhs for special grants. Even

now, they have eight to nine lakhs in the reserve in the Central Fund. If they could not spend in the past few years the fund at their disposal—all of this 55.29 lakhs, why should they now ask for a larger ratio from the general tax? As regards the money they have spent from the Central Reserve Fund, I find that they have spent two lakhs for the road engineer and three lakhs for experiments. As regards experiments, I should be very glad to hear from the Honourable Member what experiments have been made and what were the results and how these will help in the economy of road making in future years and what are the actual benefits we have derived by spending three lakhs of rupees. As regards the two lakhs, spent on road engineers, I would like to hear what he has to say about the recommendation of the Public Works Retrenchment Committee over which my friend, Mr. K. C. Neogy, presided and in which there were two Executive Engineers—Diwan Bahadur R. N. Arogiaswamy Mudaliar and Rai Bahadur Bishen Swarup. They said in page 12 of their Report:

“We understand that the Road Engineer with the Government of India is the Secretary to the Road Conference and Standing Committee for Roads, and that he also co-ordinates, through the Road Conference, certain technical standards for the whole of India. The appointment was recommended by the Indian Road Development Committee, and the cost (together with that of the subordinate staff) is met from the Road Development Fund. The Road Conference contains Chief Engineers and other experts from the provinces and meets periodically. Sub-Committees are appointed to examine and advise on questions of a technical character. We doubt whether the services of a full time officer are required for performing the functions required of the Government of India in respect of the co-ordination of road development. As in the case of the Central Bureau of Irrigation we are disposed to think that such work as may require to be done in this connection can appropriately be done by the technical Personal Assistant (already mentioned) to the Chief Engineer under the latter's general control, a proportionate cost of the Personal Assistant's post and subordinate staff being debited to the Road Development Fund. The gross savings would roughly be Rs. 30,000, which would be mostly for the benefit of Provincial Governments.”

I would like to know how this recommendation of the Retrenchment Committee has been given effect to by my Honourable friend. I shall be glad to support this Resolution if I get a proper reply from my friend on the questions I have raised and in justification for extending the powers of the Local Governments. In future, Local Governments will be able to spend money earmarked for particular purposes in any way they like and how that will be helping the original purposes of the recommendations of the Road Committee.

Mr. President (The Honourable Sir Shanmukham Chetty): If there is a desire to continue the discussion, we will continue after lunch.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I think we ought to be able to finish by 2 o'clock we might sit now. I will not take more than five or six minutes.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): Mr. President, we have got an engagement at 1-15.

Mr. President (The Honourable Sir Shanmukham Chetty): If we can finish by 1-30, the Chair has no objection to sit and finish by 1-30 provided Mr. Yamin Khan is the only Honourable Member who wishes to speak.

Some Honourable Members: We will continue after lunch.

Mr. President (The Honourable Sir Shanmukham Chetty): The House will then stand adjourned till 2-15.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. Muhammad Yamin Khan: Sir, roads are a provincial subject, and whatever money is spent on roads ought to be spent from provincial revenues. Now, we all know, Sir, that there are three kinds of roads,—provincial roads, District Board roads and Municipal roads, and it is the duty of all these three

Diwan Bahadur A. Ramaswami Mudaliar: Are there three classifications of roads in the United Provinces? It is a new thing

Mr. Muhammad Yamin Khan: Yes, in the United Provinces, there are classifications of roads, provincial roads, District Board roads and Municipal roads, and my friend, who lives in the South of Nerbudda, does not know this naturally.

It is the duty of all these three bodies to maintain them in good condition. Now, if an extra tax of two annas per gallon of petrol is levied on the owners of motor cars, it is exclusively meant for the convenience of those people who own cars and their vehicles, and they derive the greatest benefit. It was felt at the time when this duty was levied that the lorry and motor bus traffic was becoming a great burden on these three sources, and I know that personally, because I have been connected with a Municipality and also with a District Board for a very long time, and I can clearly say that the resources of the Municipal Boards or of the District Boards are hardly sufficient to meet the increasing demand made by this traffic for the upkeep of the roads, and, therefore, everybody had agreed to pay two annas per gallon as a special tax for keeping up good roads for the use of those people who own motor cars. Now, my friend, Mr. Reddi's amendment goes absolutely against the very fundamental principle, and I cannot support him. I support the idea that there should be communications established between villages and towns and railway stations, so that the produce from the remotest villages might be taken to the railway stations or towns and disposed of without much delay or difficulty.

Now, there is another point which I cannot endorse, and that was the point mentioned by Mr. Abdul Matin Chaudhury. He said that receipts from this revenue should be divided not according to the proportion contributed by the residents of particular Provinces, but in some other way. I don't see why residents of one Province should contribute to the maintenance and upkeep of roads of another Province. Why should I be called upon to pay for the upkeep of roads in Assam when the roads in

my own Province require immediate attention? If help is wanted in Assam, if roads have to be maintained in Assam, it is certainly the duty of the Assam Government to devise measures for the convenience of their people, and I should not be called upon to contribute a share, because, whatever contribution the people of my Province will make, should be utilised for the upkeep and maintenance of roads in my own Province, and not outside my Province, because there is no Province in India which can say that the roads in a particular Province are quite good and that they do not require any further help from this source. The U. P. is the biggest Province in India; it has a very extensive mileage of road system which we are not able to maintain properly. Therefore, it will not be right and proper for my friend to collect the tax from the U. P. and hand it over to another Province like Assam or any other Province. I think the system suggested in the Resolution before the House is the best, and the most equitable. Sir, I have no quarrel with any Province like the Punjab, Madras or any other Province, if they ask my friend to give them help from the general revenues, but this particular tax, which we are asked to contribute for a particular purpose, should be utilised for that very object only, and the money collected from a particular Province should be spent in that Province only.

Sir, I have one more suggestion to make. Although I wholeheartedly support this Resolution as it stands, I would like my friend to watch very carefully the working and see that money is properly spent in the upkeep of the roads, so that there may not be any grievance that, though we are contributing, the roads have not improved or that the money has not been properly utilised. In my Province, a great deal of help is required to make the roads suitable for motor traffic in many places. There are many portions of provincial roads even on which you cannot make a journey of more than 15 miles an hour, and there are many on which you cannot go more than ten miles an hour. So, I think this improvement is required, and I hope that the Honourable Member will see that this is properly attended to.

As this is the last occasion when our Law Member will be sitting in this House, although he may not go out of India, still we will miss him in this House. He has been very kind to us, and his genial spirit and good humour have greatly impressed us. He has been a great friend of ours, and he is a very popular gentleman, both inside this House and outside, and what is a loss to the Government of India will be a gain to the Government of Bengal. Whenever he comes to Delhi or Simla, we shall be most happy to meet and give him the warmest reception that we can possibly give. (Cheers.)

Diwan Bahadur A. Ramaswami Mudaliar: On this the last day of a somewhat prolonged, tedious and nerve racking Session of the Assembly, I do not wish to raise once more the question of provincial jealousies which have disturbed the peaceful atmosphere of this House on more than one occasion. But I must take notice of the speech of my Honourable friend, the Deputy President of the Assembly, when he complained of the treatment which his Province was getting with reference to this Resolution and the advantageous position in which other Provinces are placed. I feel it my duty, particularly because very few Members have stressed the point, that the other side of the case should also be represented and should be on record, that Provinces which are going to get on a consumption basis should have their claims properly placed before this House. The Honourable Member in charge of Industries and

[Diwan Bahadur A. Ramaswami Mudaliar.]

Labour has raised the amount of reserve from 10 to 15 per cent. I think he has gone far enough and I think we must enter a protest against increasing the reserve which implicitly means depreciating the amount which otherwise would be available to various Provinces. So far as my Honourable friend, Mr. Abdul Matin Chaudhury, is concerned, we will not complain if, out of these reserves, he gets a very large slice. We, in other Provinces, that is, like Madras, and Bombay, and perhaps Bengal, are not going to have any grants-in-aid out of this 15 per cent. We do not lay any claim to that. We shall be satisfied with the amount which we will get on a consumption basis.

The Honourable Sir Frank Noyce: If I may correct my Honourable friend, there is nothing to prevent Madras getting a grant-in-aid from the reserve for projects of an all-India importance. We have, as a matter of fact, given Madras two lakhs of rupees out of this reserve for a bridge on the Madras-Bombay road.

Diwan Bahadur A. Ramaswami Mudaliar: Other Provinces will get it only to the extent that the Government of India are convinced that it will help what are called Grand Trunk Roads which are the main arterial roads from an all-India point of view. But mainly this reserve will be utilised to give grants-in-aid to the backward Provinces which are not in a position to develop their roads properly. My Honourable friend, Mr. Abdul Matin Chaudhury, felt a grievance that Madras and Bombay had a network of roads which was denied to his own Province. I do not think that, if he understood the position thoroughly, he would have had reason to complain about it. We do not complain of the network of railways in Upper India. I am speaking for my own Province and even of Bombay, and if only my Honourable friend knew how much we are handicapped in the matter of railways—we have got a very primitive railway system which compares very favourably, so far as pace and progress are concerned, with the system of railways that was prevalent in England sometime in the fifties of the last century—the South Indian Railway is perhaps a notable example of the crawling, creeping, slow railways that we still have in India after a century and a half of railway progress. So far as pace is concerned,—my Honourable friend, Mr. Rau, looks questioningly at me

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Mr. P. R. Rau (Financial Commissioner, Railways): I was only questioning the century and a half of railway progress!

Diwan Bahadur A. Ramaswami Mudaliar: I beg your pardon, it was a century of railway progress. But we do not complain of that fact, and if we have developed the roads in our Province, it is just because railway communication has been so scant in that part of India that we had to develop the roads. And how have we developed the roads? We developed them by taxing ourselves to the bone, by raising all sorts of taxes. My Honourable friend, Sir Frank Noyce, comes from Madras. He knows something of the taxation system of that Province, and he knows how the roads have been built in that Province. We have a classification of roads, first class roads, second class roads, and third class roads or village roads. The first class roads are the trunk roads which go from district to district, second class roads are the more important roads within a district, and the third class roads are village roads communicating

with different villages. We had a system of tolls. Now, I do not think my Honourable friend from Assam knows anything about the tolls or toll gates at all. I had the pleasure of going by road in Assam, a Province about which so much complaint has been made, from Gauhati to Shillong. And I challenge any Honourable Member in this House to get up and say, barring the North-West Frontier, that there is a road more perfect, better kept, and more smooth for running than the Gauhati-Shillong road, and what is far more important and appropriate, I did not come across any toll gate throughout that distance of 50 or 60 miles from Gauhati to Shillong. In my own Province, if I had to traverse through that length of roads, in the days when toll gates were in existence three or four years ago—they are going to be revived in a few months again,—I would have had to pay a sum of six rupees in tolls for six toll gates to take my car over that bit of distance of 50 to 60 miles. That is how we taxed ourselves to improve our roads. I do not think that Honourable Members know that there is such a thing as a vehicle tax.

Mr. Abdul Matin Chaudhury: We have.

Diwan Bahadur A. Ramaswami Mudaliar: If it is so, it must be after the Roads Committee had reported, because, at the time when the Road Committee reported, except in the Punjab and Madras, there was no other Province where there was a vehicle tax. We have levied that tax for 30 or 40 years on all kinds of vehicles, on bullock carts, on *juthas*, on coaches, on motor cars, and the amount of licence fees that we charge for our motor buses and motor cars is something enormous. Therefore, if you want to compare one Province with another, you have to take into account the various taxes that are paid in each Province and how these roads have been developed. After all, what is the complaint of my Honourable friend? This particular excise is only of a few years' duration; it has come into existence since 1931, and we had the system of roads,—22,000 miles as my Honourable friend pointed out,—long before this excise duty was levied and long before we got any benefit out of this, out of taxation of the people, and because we felt that owing to lack of proper railway communication we must develop what is the next best, a proper road communication throughout. I do not think that there is anything in what my Honourable friend has suggested and there is no room for complaint. My Honourable friend, the Deputy President, and my Honourable friend, Rai Bahadur Sukhraj Roy, both quoted the saying, "to those that have shall be given and from those that have not even the little that they have shall be taken away". A more appropriate saying from my point of view would be, "God helps those who help themselves, but the demi-Gods are asked to help those who will not or cannot help themselves". That seems to be the position that my Honourable friend wants this House to accept. I for one refuse to accept that position. When my Honourable friend has taxed himself to the extent that we have, then it will be time enough for him to come and ask that this Province should be put on the same basis and on the same scale as Madras or any other Province.

There is another aspect of the question which I should like to take this occasion to present to the House. If Honourable Members want to have the luxury of separate Provinces, if they want to carve out India into small territorial areas, having their own forms and methods of Government.

[Diwan Bahadur A. Ramaswami Mudaliar.]

they should realise that they cannot have it all their own way. They should realise that there are inevitable disadvantages also in carving out those small Provinces, that after they have carved out these small Provinces to satisfy their political aspirations, they cannot turn round and say "We are unable to maintain ourselves, because we are a small Province, and, therefore, we should get benefit from some other source", from some big Province which is trying its level best to tax itself and keep itself abreast of the times and the needs of civilisation. My Honourable friend wants to have the luxury of a very small Province. He wants to play at all the games that a big Province can afford to pay for—Legislatures, Government Houses, Governors, Executive Councillors, Ministers, and so on and so forth. Then, it seems to me that he must try, to pay the piper himself and not come to other Provinces and say they must pay for what he has evolved, the luxury of a small Province. I wish to state this fact at this very early stage, because the more the smaller Provinces are developed,—and I am not against them,—the more will they cry that they are backward and that they should be given special help from other Provinces. That is not going to be, and that is one reason why I should like the cut and dried system of Federation to come into existence as early as possible, because these requests will then be absolutely out of court, because there will be no *ma-bap* Government which give doles to backward Provinces out of the resources which it gets from the forward Provinces and the more advanced Provinces.

Now, Sir, though I do not support the amendment of my friend, Mr. Ramakrishna Reddi, for a reduction from 15 to 10 per cent, I must say that I am greatly in sympathy with that idea, and the notice of that amendment will be a caveat, so far as the Government of India are concerned, that in future they will not meddle with this percentage, that there will be no attempt to increasing it further, that they will call a halt, and that because there may be pressure from Provinces like Assam, they will not try to steal more from other Provinces and increase their 15 per cent, so that they may give larger grants-in-aid. For my part, I shall be perfectly satisfied if, on the consumption basis, the amount that is required for my Province is given, and I think most of the other Provinces will be in the same position.

As regards the purposes for which these allotments are made, I think that there has been a slight confusion introduced into this question. I do not think that clause 7 precludes the idea of the construction of village roads. I do not understand it in that sense, but there is some point in what my friend, Mr. Yamin Khan, has pointed out, that this is primarily a taxation on the users of motor vehicles and motor cars and that the amount is paid by these people and that one primary consideration which should be kept in view is that the motor vehicle traffic is made smoother than it is at present. I do not think it can be questioned that some amount of this money at any rate should go to keep the roads in better condition, so that the users of motor vehicles and motor cars who appreciate those two things may feel that they have more smooth running for their cars. But, at the same time, I must confess that village communications are inextricably mixed up with the whole of this question. If motor lorry traffic in particular should develop, it can only develop *pari passu* with the development of first class and second class roads. The commodities from the villages must come into the main roads and that can only come if village communications are developed. I take it that

this clause merely means that not merely the first class and the second class trunk roads should be developed and in their case bridges also may have to be built, but that an attempt should be made to develop third class roads. In this connection, the pressure should really come so far as Provincial Governments are concerned from the Provincial Legislatures, and having in mind the fact, that except in Assam, in all other Provinces Ministers are in charge of this subject, I very much doubt whether that pressure will not be forthcoming and whether Ministers, who are responsible to public opinion and to the majority of the Legislative Council, can afford to neglect the claims of the village roads or third class roads. I speak with some knowledge so far as the Legislature in Madras is concerned and so far as the Ministry in Madras is concerned, during the last 13 or 14 years there has been a constant and a consistent pressure put on the Government to see to it that there is a large expansion of village roads, and I believe my statement will be borne out by those who come from Madras that an organised attempt has been made in this direction of village communications particularly during the last ten years. I have reason to think that with the additional grant, that will be given by this Road Fund, the Madras Government at any rate is not likely to ignore the interests of villages or of village roads.

Sir, so far as the Standing Committee on Roads is concerned, I must bring to the notice of the House a special feature of the way in which this Committee is to function—a welcome feature from the point of view of us who are Members of the Assembly. Clause 10, sub-clause (2) says:

“No approval to any proposal for expenditure from the Road Account shall be given by the Committee unless it is supported by a majority of the members present and voting who are members of the Legislative Assembly and a majority of the members of the whole Committee present and voting.”

I believe, in the last Resolution, the Members of the Assembly constituted a special financial sub-committee of this Road Committee, and all proposals relating to finance went directly to them and to them alone. In this Resolution, a distinction has been made. They are no doubt still given a dominant voice, but the right to vote on the financial proposals is also extended to Members of the Council of State. I do not know why the Member in Charge of Industries has made this innovation. This House takes the view that except in matters of taxation, which are embodied in the form of Bills, this House must have not merely the dominant, but the sole voice. The Budget is presented to this House. The grants are passed by this House and by this House alone. The other House does not vote on the grants and I thought it was reasonable that where the finances have to be voted upon by the Committee, the Committee of this House and that Committee alone should have the first, last and final voice with reference to that matter. Now, my Honourable friend has extended the scope of it. I do admit that even here, the voice of the Assembly predominantly must prevail, but I do not see why, even if the majority of the Assembly Members were in favour of it, you should have in addition a majority of the whole House. It may happen that what the majority of the Members of the Assembly accept the majority of the whole Committee may vote down. Then, in that case, I feel that the Assembly will not have the final voice. I should like an explanation from my Honourable friend as to how this innovation has been made with reference to what we consider a vital feature of the Constitution, that is the power of the Assembly and the Assembly alone to vote for grants.

[Diwan Bahadur A. Ramaswami Mudaliar.]

Sir, I do not want to prolong the sitting of this House. As Honourable Members have already referred to an impending retirement, I feel it my duty to speak on behalf of my Party a few words about the Leader of the House. The Honourable Sir Brojendra Mitter has been the Leader of this House for a considerable time. He has been *persona grata* with every section of this House. His charming and amiable temperament, his long hours of sitting in that place throughout the tedious discussions in this House—and many of us have wondered how he was able to sit there through all these debates—whether he was thinking with eyes closed or with eyes open—and the manner in which he has generally accommodated himself and made the Government accommodate to the wishes of the Opposition, all these will long be remembered and treasured by us. We have had in him an exceedingly amiable Leader of the House, notwithstanding the fiction about the leadership of the House. Generally speaking, the Opposition does not recognise what is termed the Leader of the House. I admit, when there is responsible Government, and where there is a Ministry in office, there is some meaning in the expressions, Leader of the House and Leader of the Opposition, but, under the present circumstances, I think both are fictions which we have incorporated into the Constitution; but if there ever was a gentleman whom this side of the House has rightly accepted as Leader of the House, I can safely say that that is our friend, Sir Brojendra Mitter. (Loud Applause.) Sir, it requires some amount of tact and a good deal of patience and good humour to carry the House with him as Leader of the House: and my Honourable friend, Sir Brojendra Mitter, has shown that he possesses both of these qualities in an abundant degree. We shall miss him, as many Honourable Members have said, and his will be a difficult place to be filled up by any other Member of the Government in the future Sessions of the Assembly. We are aware that he is going to another exalted office where all his charming qualities will, as they deserve to be, be utilised, if what we hear of the Bengal Legislative Council and all we hear is true, and Bengal will be the gainer where the Legislative Assembly and Delhi and Simla will be very great losers. Sir, on behalf of those who sit on this side of the House, I wish to associate myself with all the compliments that have been extended to the Honourable Sir Brojendra Mitter, the Leader of the House. (Loud and Prolonged Cheers.)

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, I rise to differ from the Deputy Leader of the Independent Party in regard to his statement about the northern Provinces being favoured with more railway communications, whereas the southern Provinces have been the recipients of something of a Cinderella treatment. He has a railway to Ootacamund: we have yet to have a railway to Naini Tal or Almora, and, talking of lack of good communications in a backward Province like Assam, I have great sympathy with the Deputy President, but if the Kumaon Division and its neighbouring districts were to be constituted into a Province, it would be as large a Province as Assam—a Province where communications are really so backward as they happen to be. I hope that the United Provinces Government, when they go into this matter, will go into the question of communications for the Kumaon Division and the Himalayan districts with more interest than they have done in the past. Sir, we are grateful to the Honourable the Industries Member for having placed before us this important Resolution,

for it has enabled us to think, not only nationally, but also rationally and provincially.

Now, Sir, we shall turn to the impending disaster that is to overtake this Assembly in the leave-taking for another two years at any rate of the Honourable the Leader of the House. Sir, I have already paid my tribute to the Honourable the Finance Member and I said on the last day of the Finance Bill how he used to play this House as an angler plays his trout. That was the triumph of his oration, and of him it cannot be said that emotion was the soul of his oratory. On the other hand, the Leader of the House is so full of emotion: the Keltic imagination of the Bengali and the great accuracy of one of the gifted lawyers of India have enabled him as the Leader of the House to lead us on right lines. We shall always pray until he comes back to us with his new experience in Bengal, where, I am sure, he will send a new pulse beating (Hear, hear), he will come back to us as an important Federal Minister,—once again to guide this House or its successor, the larger House, on right lines, and if he does not happen to be a Member of the Government, we hope he will be one of the shining stars on the Opposition Benches (Hear, hear), offering battle to the Government in the proper, constitutional, parliamentary way in which the Government ought to be fought. Sir, he is a statesman, a friend to truth, of soul sincere, in duty faithful, in honour clear. (Loud and Prolonged Cheers.)

Mr. A. H. Ghuznavi (Dacca *cum* Mymensingh: Muhammadan Rural): Sir, I support this Resolution and I quite sympathise with my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, when he talked about the railways in Madras. I have seen what it is like from Waltair downwards. Sir, serving on the Standing Finance Committee of the Railways, I went to Madras in 1932. Up to Waltair, I could tolerate it, but, after that, it was impossible. It seemed I was travelling by bullock cart. Then, from Madras downwards, by the South Indian Railway, that was terrible.

Now, Sir, as regards these roads, I only want to bring to the notice of my Honourable friend, the Industries Member, that he must make the Bengal Government realise that the roads in Bengal are in a very bad condition. They must utilise the money that is allotted to them, and not use the money for some other purposes or keep it in abeyance for the next year, the next year after that, and so on, and there, again, Sir, I agree with the Diwan Bahadur when he said that not only we should give our attention to the trunk roads, but our attention should also be given to the village roads, which are very very important. Of course, as he has pointed out, as regards the roads on which the motor vehicle traffic is very great, attention should first be given, because the motor vehicles pay the petrol tax, but, next after that, the village roads must have our attention. As regards the "taxing", I think we in Calcutta pay a terrible sum—Rs. 48 a year.

Diwan Bahadur A. Ramaswami Mudaliar: We pay Rs. 70.

Sir Leslie Hudson (Bombay: European): We pay Rs. 120. Bengal does not tax herself.

Mr. A. H. Ghuznavi: I thought we were paying higher than Madras.

Now, I should like to say a few words, and that is with regard to my Honourable friend, the Law Member and the Leader of the House, Sir

[Mr. A. H. Ghuznavi.]

Brojendra Mitter. Sir it is a source of great relief to all of us to turn from the Bengal jute duty to the Bengali lawyer,—from combustible matches to a cool, calculating advocate. (Laughter.) As the Leader of the House and as the Chairman of our Select Committees, we have learnt to appreciate his unfailing courtesy, his spirit of accommodation and the detachment of his outlook. Sir, Sir Brojendra Mitter will be greatly missed in this House; but the only redeeming feature is that the loss of this House and of the Government of India is the gain of Bengal. Sir, we from Bengal say good-bye here to my Honourable friend so as to be able to welcome him back to our Province and to a further period of distinguished and useful services to the Government and the country. (Loud and Prolonged Cheers.)

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I do not feel that I am in a position to make any useful contribution to the Resolution before the House. I take it that the Resolution is going to be passed. The question of road communications in India is one of the most important problems that the Government have to face in the different Provinces. The different Provinces have their own special difficulties, and my own Province, Bengal, has difficulties which are far more formidable than perhaps anywhere else. It is a Province full of rivers, swamps and ditches. It is very difficult really to say that we have got any roads at all which are anything like the roads that we find, for instance, in the neighbouring Province of Bihar or in the United Provinces. I believe that nothing is more seriously felt in the way of inconvenience as the want of proper and sufficient road communications in Bengal. I do hope that this Resolution, when it is carried out in the different Provinces, will help my Province as well as the other Provinces. Of course, there looms before us another very difficult and complicated question, the question of rail and road competition, but this is not the occasion on which one is expected to speak on that subject. I do not wish to say anything more. Indeed, I have nothing more to say on this matter.

I shall now say a few words by way of good-bye to the Leader of the House. Sir, I endorse entirely all that has fallen from other Members as to the many qualities which have made him so popular in all parts of the House. His genial temperament, his easy accessibility, his unfailing courtesy and his readiness to accommodate us on all occasions has made him quite a favourite, if I may say so, of the House. As a Leader of the House, it is very difficult to tell from this side what particular difficulties he has to surmount in the Government, but we know this that, so far as we are concerned, he has been extremely accommodating. He has helped us to the best of his opportunities to discharge our duties in the best manner possible. He is still in full vigour of life and we are glad that he is not going to retire, but is going to take up other responsibilities as onerous, if not more onerous than what he is discharging here. He has gained invaluable experience. I am sure, as a Member of the Government he has dealt and made himself familiar with problems that affect all parts of the country. The wide experience he has acquired and the various problems that he has dealt with will, I am sure, stand him in very good stead when he deals with the provincial problems of Bengal. We all know that Bengal is a difficult Province and he is going there in

somewhat difficult times. His colleague and friend, Sir George Schuster, has in anticipation tried to smooth his way a great deal and we all recognise that the action taken in this connection by the Honourable the Finance Member, who is also leaving us, will be a great help to the Province and will make matters easier to our Honourable friend, Sir Brojendra Mitter. He is going there in a period of transition, because we hope that there will soon be a change at least in the constitution of the Provinces and that, so far as he is concerned as a Member of the Executive Government, he will be in a position during the year or two that may elapse before provincial autonomy is launched to see that proper arrangements are made for the smooth working of the new Constitution. Sir, we all wish him every success in his new office which will be quite as responsible and onerous as the high office that he holds at present.

Sir, we already had an occasion to say a few words of good-bye to

3 P. M. Sir George Schuster who, I am glad, is present here and I do not wish in any way to repeat what has already been said.

I am sure that great opportunities also await him in his own home-country for rendering service not only to his motherland, but also to India. He has acquired such a great experience of the finances of the country that, coupled with his undoubted talents and his vast knowledge of financial subjects generally, I am sure he will be in a position to help us in launching the new Constitution and in dealing with further details that remain to be settled in order to make that Constitution complete and successful and let us all hope that he will be given that opportunity in ample measure. I believe he will go on studying the problems of this country, because, after all, the British Empire is nothing without India. And if the British Empire is to flourish and prosper, it means that India must flourish and prosper. I am sure, my Honourable friend, Sir George Schuster, realises that as vividly as anyone of us and I do hope that he will make it his special task when he is in England to impress it on His Majesty's Government that India has reached a position when she must be given every possible help, so that she may advance on that road to prosperity which would lead to the prosperity of the rest of the British Empire.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I support this Resolution for the one simple, very strong and unanswerable reason that in making the provision for the railway lines and in giving sanction to the schemes that might be submitted by the Local Government, the Governor General has been enjoined to consider the necessity of improving and providing village communications, that is to say, from the villages and from our fields to roads or to the markets. That, Sir, is a very important position and, as pointed out by my Honourable friend, Dr. Ziauddin Ahmad, during four or six months in the year our roads are impassable. Take even an empty cart, it gets stuck and sometimes you are to go into these village parts and see how we struggle to pass three miles from morning till evening. I want the Government of India to remember that when schemes come from the Local Governments, they must insist upon a due provision being made for village roads and communications, so that a strong and well organised beginning may be made in order to give us some facility. The Government of India are now fortunately in a mood to think of us as being of some account, and I hope they will go on improving this position in times to come.

[Raja Bahadur G. Krishnamachariar.]

Now, with your permission, may I, on behalf of my Party—I shall not take up much of your time, Sir—associate myself with all that has been said by our friends on this side regarding the Leader of the House, Sir Brojendra Mitter. Sir, as a lawyer, I think, he is one of the most prominent in India. We have had enough occasions when even by a joke he turned the situation which looked very dark against the Government on his side and then sat down. If he begins to analyse Bills which have been introduced, especially Bills on the non-official side, then good-bye to these Bills once for all. He dishes them so nicely that even those who are so very anxious and who are very angry with some of those who oppose the non-officials, even they are satisfied. For instance, when my Honourable friend, Mr. Ranga Iyer, introduced his untouchability Bill, my Honourable friend, the Leader of the House, smashed Mr. Ranga Iyer's argument to pieces and then you do not see any remnant of the Bill anywhere near half a mile. My Honourable friend, Mr. Ranga Iyer, after he finishes his day's labours in the Assembly and after abusing me for opposing his Bill, he always drives with me and when I rise from the Assembly to go home, my friend tells me, "please wait, I am coming with you in your car". I have to wait for more than 15 minutes for my friend to adjust his hat, and he tries his best to conceal the feeling that has been created in his mind when my Honourable friend, the Leader of the House, said "that is journalism, we will go to the special provisions of the Bill". Thus, Sir, my Honourable friend, the Leader of the House, clause after clause, word by word and sentence by sentence pulls everything to pieces, with the result that my Honourable friend, Mr. Ranga Iyer, is not able to catch even the shreds of it so as to weave them into another argument the next day. The next day, my friend, Mr. Ranga Iyer, comes forward with another Bill and speaks in right parliamentary style on that Bill, but it also meets with the same fate at the hands of the Leader of the House.

An Honourable Member: What about Gour's Bills?

Raja Bahadur G. Krishnamachariar: Gour's Bills are past history. I think I ought to remind him of it. The first time I felt personally grateful—I do not care what the House felt, not that I am disrespectful to the House—the first time I felt grateful was when my Honourable friend, Sir Hari Singh Gour, with the crown of martyr on his head made for him by our friend, Mr. Jayakar, moved his Bill in order to legalise marriages between Hindus and Muslims and make them all one. The other day, when I was speaking to my friend, he said, "why do you give trouble, I want to make the whole nation one by means of facilitating these marital alliances". Sir, I do not remember who was then presiding over this Assembly, I think it was Sir Ibrahim Rahimtoola, and, after my Honourable friend, Sir Hari Singh Gour, had moved his Bill, the Honourable the Leader of the House warmed himself up and discussed the Muhammadan Law of Divorce, the Muhammadan Law of Inheritance and discussed every phase of Muhammadan Law and warned my Honourable friend, Dr. Gour, which I have no doubt he has taken to heart, for I find all his activities closed after that speech, the Law Member then said, "Remember, in this country, there are two ancient codes which have come down from time immemorial, do not touch these codes. Upon them stands the foundation of the two great communities in India". I do not know whether my Honourable friend, Sir Hari Singh Gour, felt it or not, but as they say the proof of the pudding is in the eating, I find all his

activities have ceased since then although he just pretended after that to do something, but during the last two years, you might have observed, Sir, that he is keeping mum. That is the strongest indication of the strength of the Law Member in the way he so nicely puts it.

I wish to bring to the notice of the House another incident. My Honourable friend, Mr. Ranga Iyer, in a speech cornered the Honourable the Law Member, I was closely watching as to what he was going to say in reply. He looked this side and said "that is journalism and not law". That was certainly not journalism, but absolute law. He had no good argument, and, as we do at the Bar, we leave aside the real position and treat it as of no consequence. If I go on narrating incidents that happened in this House, I know that you, Sir, will pull me up by saying that I have only two minutes left. But, Sir, this House will agree with me in considering that the Leader of the House is one of the most eminent lawyers in India.

I shall now refer to our friend's social qualities. There is a general impression outside that if you are a lawyer, you are not a gentleman. I deny that statement. After all, before a man is a lawyer, he is a gentleman. In the midst of his profession, he is a gentleman, and, at the end of it, he is a gentleman. I strongly repudiate the position that because you are a lawyer, you are not a gentleman. Some of those persons, who have not got anything else to do, think that a lawyer simply makes money day in and day out, and he does not do any service to the country. Sir, as I said elsewhere, it is the lawyer that leads the whole world. If you want an organised Standing Army, who does that, except Lord Haldane and he was a lawyer. Our friend, the Law Member, is a thorough gentleman. Unfortunately, seated as you are in that Chair, you cannot as you did, in the olden times, come out into the lobby, but I am perfectly certain that at times you must have heard the loudest laughter and if ever you heard that laughter, you must have wondered yourself as to who was laughing so loud and if you had thought over it, you must have realised that it was the Leader of the House, who was laughing so loud. He is loud and sometimes inconvenient for the person whom he has so nicely dished by his humour and that is an incident which we shall all miss hereafter in this House. As pointed out by Sir Abdur Rahim, the Leader of the House was remarkable for his open hospitality and his easy accessibility. You may go and tell him anything you like, he quietly listens to everything and then says "is that all you have got to say?" All the time you are talking to him, he makes you believe that you are the wisest man going in this world and he shows that he is trying to learn everything from you. That, Sir, is his quality on the social side. When I heard that he was going to Bengal, I congratulated him. He asked whether it was a matter for congratulation. Well, Sir, I said I was not concerned with his personality, I was concerned with the Province of Bengal. That Province unfortunately is now in the throes of what they call terrorism, it is in the throes of an excited youthful population and an impressionable lot who, for some reason or other, have transgressed all our old Indian traditions. I hope, when the Leader of the House goes back to Bengal, he will bring back these youths to a sense of respect for law and order. I am very fond of Bengalis, and if you come to Hyderabad, well, Sir, I shall take you to all the noblemen in Hyderabad and you will yourself find in what great respect the Bengalis are held among them, not the educated classes, that is natural, but among the old-fashioned

[Raja Bahadur G. Krishnamachariar.]

noblemen there. This is just the occasion when I told the Leader of the House of what immense help he will be to Bengal. With his extreme sense of humour and his geniality, I am sure, he will bring the young Bengal to its proper senses and I wish him a good deal of prosperity in his new career, though I am sorry in one respect that he accepted this appointment. I offered some very nice and tempting cases where he and I could either cross swords or work together, and break the laws I myself made, but unfortunately it is all gone. I am afraid I shall not live when he comes out of office again back to the Bar and I must leave it at that.

Although I have spoken a great deal of the Finance Member, I shall speak only one thing that he was absolutely wrong when he said it is going to be good-bye. I cannot say good-bye to Sir Brojendra Mitter, because I can meet him day after tomorrow in Calcutta. And, in the case of the Finance Member also, I know it is not a farewell, but it is only *au revoir*. In November or December, if I live, I shall have the honour of shaking hands with him at Bombay when he comes here to take up an important position which is waiting for him. Sir, we cannot afford to lose Sir George Schuster. Apart from everything else, he never loses his temper. His mind does not wander into technicalities, and, instead of disposing of things upon preliminary objections as we call it at the Bar, he goes straight to the position and floors you so completely that you are gasping for breath and he goes on to the next point as if nothing has happened.

Sir, on behalf of my Party I bid both these gentlemen good cheer, a great deal of prosperity and,—if I can take upon myself the vanity of saying,—the blessings of a Brahmin. I will conclude by saying:

"Niskalti hai jaldi khushi ké Bachan,

Na ho gar khushi to Nahin Brahman."

The Honourable Sir Frank Noyce: Sir, I have never been at a greater disadvantage in replying to a Resolution in this House. I am not at all sure whether the House wishes me to talk about the criticisms and comments which it has made on my Resolution or to talk about the merits of the Honourable the Leader of the House. I am very much inclined to hand the reply to the Resolution over to him to see what he can make of it. Well, Sir, I propose to do both, and I also propose not to detain this House longer than I can possibly help from the holiday that it has so well earned.

Sir, I must thank the House for the reception that it has given to this Resolution, which has been in striking contrast to that accorded to its predecessor five years ago. That was also, if I recollect rightly, brought forward on the last day of the Session and it presented so many novel features that it provoked a great deal of discussion and had to be adjourned to the Simla Session.

Now, Sir, I shall have to deal shortly with the various amendments. I honestly do not quite know how to deal with those which have been moved by my Honourable friend, Dr. Ziauddin, for he said absolutely nothing about them during the course of his speech and brought forward no arguments in support of them. However, Sir, as I am not sure whether he is pressing them or not, I had better say something about them. His first amendment is:

"That in clause 1 of the Resolution, the words 'not less than' be omitted."

Several Honourable Members: He does not want a reply.

The Honourable Sir Frank Noyce: As my friend does not wish me to say anything about his amendments, I will gladly refrain from doing so except about the last, because that one has also been mentioned by my Honourable friend, Mr. Yamin Khan. His last amendment was:

"That after sub-clause (d) of clause 11, the following new sub-clause be added :

'(e) To see that the grants given under clause 3 are spent upon objects mentioned in clause 7.'"

My Honourable friend, Mr. Yamin Khan, also urged on us that we should see that the money which is allotted from the Road Development Fund is properly spent. Well, Sir, we do see to that. That function is not, however, discharged by the Standing Advisory Committee which obviously is not in a position to discharge it but by Government, with, of course, the advice of the Committee. Our procedure is that after any scheme has been approved on the advice of the Committee, the Government of India convey their approval to the Local Government concerned. The Local Government, if it wants to commence the work in question, sanctions a detailed estimate, the particulars of which are communicated to the Government of India. The Government of India satisfy themselves that this estimate is in accordance with the approval of and intimate to the Local Government and to the audit authorities that expenditure against it may be debited to the provincial share of the Road Development Account or to the reserve as the case may be, and the audit authorities then admit expenditure against such estimates and such estimates only. It follows that the development account can only be spent on approved schemes and that, therefore, machinery already exists to give effect to what appears to be the intention of my Honourable friend, Dr. Ziauddin's amendment. It is important that the House should remember in dealing with this account that it represents a comparatively small portion of the total expenditure on roads in India, and that that is the reason why evidently in the United Provinces so little evidence of its effects is visible. It may interest the House to know that in 1929-30, the last year before the slump, the total expenditure on roads in the major Provinces of India was 7.63 lakhs, but that, in those Provinces, the share of the Road Development Fund would be only about 76 lakhs. Therefore, the Road Development Account only represents about $\frac{1}{10}$ th of the total expenditure on roads.

Now, Sir, I turn to the amendment moved by my Honourable friend, Mr. Ramakrishna Reddi, who wants that the whole amount available in the Road Development Fund should be earmarked for giving grants to local boards for the development of rural communications. That is a very far-reaching amendment, and it has been faithfully dealt with by some other speakers, so that there is no need for me to add very much to what they have said. I would remind my Honourable friend that the Resolution does not in any event contemplate the development of urban streets as he seemed to think it did and that we have in paragraph 8 of the Resolution, the implications of which I doubt if he fully understood, stressed the need for special consideration of feeder roads for the transport of agricultural produce. As some other speakers have pointed out, in using a fund of this kind which is raised by a levy on motor transport, it would be most unfair to deprive those, who supply the sinews of war, of the

[Sir Frank Noyce.]

benefits of it and to devote it to roads which, in the majority of cases, would be of comparatively little use to them. In any case, Sir, the initiative of selecting roads for development rests with Local Governments and it is obviously desirable that they should be given the fullest discretion as to the agency they wish to employ for the expenditure. It is for them to decide whether they should use the Public Works Department or make grants to local bodies. It would be most unjust to utilise all the money available in the Road Development Account for a special class of roads.

I think the course of this debate has very fully justified the wisdom of Government in taking the middle course that they have taken in regard to the 15 per cent to be utilised as a central reserve. My Honourable friend, the Deputy President, has pleaded with great eloquence the cause of Assam and Mr. Gaya Prasad Singh and Rai Bahadur Sukhraj Roy have pleaded that of Bihar. On the other hand, we have had the point of view of the other Provinces ably represented by Diwan Bahadur Ramaswami Mudaliar and Mr. Yamin Khan. I am quite prepared to admit that this question of 15 per cent is the most controversial point in the whole of the Resolution and I think it would probably meet the wishes of this House if I were to go some way, at any rate, to meet my Honourable friend, Sir Leslie Hudson. I cannot accept his amendment for the reasons which he himself gave, namely, that we cannot bind our successors, and we do not know how long it will be before those successors are seated on these Benches. But I am prepared to agree that this is a question which should come under revision in, say, three years' time. I think Sir Leslie Hudson will also agree that if Members of Government give an undertaking, those undertakings are always honoured. If the present Government occupy these Benches in three years' time, I can undertake that this question of the reserve will be reviewed by the Government of India in consultation with Local Governments and also with the Standing Advisory Committee and that if there seems any justification for a change in the percentage and circumstances have altered in any way so as to make that change desirable, a Resolution to that effect will be duly placed before the House. I trust that that will meet my Honourable friend and that he will not press his amendment.

There were a few points raised by my Honourable friend, Mr. S. C. Mitra, which deserve to be dealt with fairly fully. I think my Honourable friend—if I understood him correctly—objected to the fact that we had liberalised this Resolution to an undesirable extent. I am not quite sure that I followed him in that criticism. The main liberalisation lies in the extension we have given to the scope of the Resolution and I think that the general sense of the House is that in enabling Local Governments to spend money on the development of feeder roads and rural communications we are acting wisely in view of their importance to the economic welfare of the greater part of India. He objected to clause 7 (iii) of the Resolution which permits money to be spent on the interest and amortization of loans. I think that there he was confusing the loans which have been taken from the fund to be spent on maintenance with loans which under this Resolution can be taken in future for construction, reconstruction and substantial improvement. The two things are quite different, and I must confess that I was rather surprised to find my Honourable friend, Dr. Ziauddin, objecting to this clause in the Resolution, for I should have

thought that the use of loans for development schemes was worthy of praise rather than of blame. I am, however, grateful to my Honourable friend, Mr. Mitra, for bringing this matter forward as it enables me to repair an omission in my opening speech. That speech, although it was a long one, did omit reference to one important point, and that is that we have not incorporated in the new Resolution the provision in the supplementary Resolution of 1931 which enabled loans to be taken from the Road Development Fund for maintenance. The reason we have not done so is that we hope that the necessity for borrowing from the Road Development Fund for maintenance has now ceased. It is not a practice which we desire to encourage: we want the Road Development Account used definitely for the purposes for which it was started, that is, for road development and not for maintenance; and it is for that reason that we have left this provision out of the new Resolution as we thought that if any Local Government in future desires to borrow from the Road Development Account for maintenance, definite proposals to that end should be placed before this House for its sanction.

Then, my Honourable friend, Mr. Mitra, objected to the Rs. 9 lakhs that we have in our reserve. I do not think that Rs. 9 lakhs can be considered as a very large sum; we feel that it is not desirable that we should budget up to the hilt: we may get an outstanding proposal of real value coming along which costs a fair amount of money, and it is desirable to have something in hand to deal with that when it comes. He also wished to know how we spent the money, Rs. 3 lakhs, that I said had been devoted to experiments and research. The experiments which have been carried out have been carried out primarily upon the advice of a committee of Chief Engineers with a view to ascertaining, amongst other things, the most economical treatment or reconstruction of waterbound macadam for different traffic conditions, the possibility of improving the standard of maintenance of unmetalled roads, and last and most important of all, I think, the cheap "stage" improvement of unmetalled roads. "Stage" improvement is a highly technical term: put simply, it means the building up of unmetalled roads from the stage in which they carry the cruder forms of traffic until they are fit for something much better. We also use that part of our reserve for the distribution of information. We publish a magazine called Indian Roads which is devoted to that object. I have here a note which deals at greater length with this subject, but I do not wish to inflict it upon the House. My Honourable friend, who sits behind me, will be very glad to enlighten Mr. Mitra further in regard to it if he wishes it.

That brings me to the criticism which Mr. Mitra brought forward in regard to the appointment of the Road Engineer. He wished to know why Government had not accepted the recommendation of the Retrenchment Committee that that appointment should be abolished and such work as was required to be done should be done by the technical Personal Assistant to the Chief Engineer under the latter's general control. I may point out, in the first instance, that the Retrenchment Committee did not make a definite recommendation: they simply said that they were "disposed to think": Government also thought and they came to the conclusion, as I am quite certain that my Honourable friend himself would have done if he had continued on the Standing Committee on Roads—as I very much wish he had for, I am sure, his advice would have been of great value,—that we could not do without a whole time

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Road Engineer. I am quite certain that those members of the Standing Roads Committee, who are present here today, will endorse what I say, when I maintain that Mr. Mitchell's work has been of the utmost value. A crore of rupees a year is a large sum, and it is a whole-time job to deal with it. I think it may interest some Members present if I mention that we hope, for instance, to send Mr. Mitchell down shortly to Bihar or rather to Orissa to see what he can do to help there.

My friend, Diwan Bahadur Ramaswami Mudaliar, criticised the present Resolution on the ground that there was some subtle change in it which undermined the powers of the Assembly in regard to expenditure. I can assure him, Sir, that there is nothing of the kind. I do not think he has the original Resolution before him. If he has and will turn to the last paragraph of it, he will see that it runs as follows:

"All proposals for expenditure from the annual grant or its accumulated balance shall be transmitted by the Standing Committee to its Finance Sub-Committee (hereby the Members of the Assembly, who were members of the Committee) for approval before recording its final acceptance; and the Standing Committee shall not record its acceptance to any such proposal unless it has received the approval of the Sub-Committee."

The new paragraph reads:

"No approval to any proposal for expenditure from the Road Account shall be given by the Committee unless it is supported by:

- (i) a majority of the members present and voting who are Members of the Legislative Assembly, and
- (ii) a majority of the members of the whole Committee present and voting."

There is no real difference between those two. All that has happened is that I found when I took over the Chairmanship of the Roads Standing Committee that the whole of the proceedings had been telescoped; as a matter of fact, the Finance Sub-Committee was never sitting, and all proposals came up to the whole Committee. The reason being that,—and it is a very gratifying reason—there has never been any occasion for a division on this Committee. The decisions have, I am glad to say, certainly in my time and I believe before, always been unanimous. If my friend will look at paragraph 10 (1) of the Resolution a little more closely, he will find it is stated that no approval to any proposal for expenditure from the Road Account shall be given by the Committee unless it is supported by a majority of the Members of the Legislative Assembly. I cannot go any further, unless it has the support of the majority of those members present who are Members of the Legislative Assembly. That means that it is the Assembly which decides the matter of expenditure on roads in the first instance. If they decide in favour of its being incurred, then it goes before the Committee as a whole, and, as the Members of the Assembly as against the Members of the other House are two to one, the probabilities are distinctly in favour of the view of the Members of the Assembly being accepted.

There is one point in the speech of my friend, Mr. Gaya Prasad Singh, to which I think I should make a reference. He suggested that we might make use of the reserve to repair the damage done to roads in Bihar by the earthquake. Well, Sir, I do not think that the five lakhs additional amount we are getting by this Resolution or the 15 lakhs annually which we shall

get as reserve would go very far in this direction, and, as this House knows, the great undertaking of putting the roads in Bihar right is being carried out in another fashion. I would again assure my friends from Assam and Bihar that, in administering the reserve, we shall bear their special needs in mind. That, Sir, is all I have to say on the Resolution.

I should like, in conclusion, if I may, to associate myself as the junior Member of the Government of India with all that has fallen from the various sections of the House in regard to the Leader of the House and the Finance Member during the last two days, and I am quite sure that my Honourable colleague, the Home Member, will wish to do the same. Those of us on these Benches have had greater opportunities possibly than Honourable Members opposite of realising what delightful colleagues they have been to work with, how deeply the interests of India have been at their hearts and how valiantly they have fought for those interests on all occasions, in spite, if I may say so, in the case of the Finance Member, often of much misunderstanding and misconception.

With regard to my friend, the Leader of the House, who is also the Law Member, it is true that, as Raja Bahadur Krishnanachariar has said, lawyers often come in for unfair criticism. The most devastating criticism that I have ever discovered in regard to lawyers is contained in an epitaph which, I understand, appears on a Scottish tombstone. I have given it before to the Leader of the House, but it may be new to the Members of the House. It runs as follows:

"Here lie John and Thomas Benn
Lawyers both but honestmen
God works wonders now and then!"

Well, Sir, if an honest lawyer is a wonder, my Honourable friend, the Leader of the House, must be one of the wonders of the world!

Dr. Ziauddin Ahmad: Sir, I gave about four quotations from the Report. Can my friend tell me what is the share of the United Provinces in this?

Mr. K. G. Mitchell (Government of India: Nominated Official): About five lakhs a year.

Mr. President (The Honourable Sir Shanmukham Chetty): What about the amendments?

Dr. Ziauddin Ahmad: I don't withdraw.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That in clause 1, the words 'not less than' be omitted."

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): **Mr. Reddi.**

Mr. T. N. Ramakrishna Reddi: I want to withdraw my amendment No. 3*.

The amendment was, by leave of the Assembly, withdrawn.

*"That in sub-clause (1) (a) of clause 3, for the words 'fifteen per cent' the words 'ten per cent' be substituted."

Rai Bahadur Sukhraj Roy: I also beg leave of the House to withdraw my amendments.

The amendments were, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty): Sir Leslie Hudson?

Sir Leslie Hudson: I want to withdraw my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That in sub-clause (2) of clause 3, the following be added at the end:

‘with the recommendation that the whole amount thus given shall be earmarked for giving grants to the Local Boards for the development of rural communications.’”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That clause 6 be omitted.”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That sub-clause (1) (iii) of clause 7 be omitted.”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That sub-clause (2) of clause 7 be omitted.”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

“That after sub-clause (d) of clause 11, the following new sub-clause be added: ‘(e) to see that the grants given under clause 3 are spent upon objects mentioned in clause 7.’”

The motion was negatived.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is that the following Resolution be adopted.

“In supersession of the Resolution adopted by this Assembly on the 4th February, 1930, as supplemented by the Resolution adopted by this Assembly on the 3rd October, 1931, this Assembly recommends to the Governor General-in-Council that:

1. There shall continue to be levied on motor spirit an extra duty of customs and of excise of not less than two annas per gallon, and the proceeds thereof shall be applied for the purposes of road development.

2. (1) From the proceeds of such extra duty in any financial year there shall be deducted a sum equivalent to the share in such proceeds arising from motor spirit used for purposes of civil aviation during the calendar year ending in the financial year concerned, and such sum shall be at the disposal of the Governor General-in-Council for allotment as grants-in-aid of civil aviation.

(2) The balance of the proceeds shall be credited as a block grant to a separate Road Account.

3. (1) The annual block grant shall be allotted as follows :

(a) a portion equal to fifteen per cent. shall be retained by the Governor General-in-Council as a Central reserve;

(b) out of the remainder there shall be allotted :

(i) a portion to each Governor's Province for expenditure in the Province;

(ii) a portion to the Governor General-in-Council for expenditure elsewhere in British India;

(iii) a portion to the Governor General-in-Council for expenditure in Indian States and administered areas;

in the ratio which the consumption of motor spirit in each area to which an allotment is to be made bears to the total consumption in India during the calendar year ending during the financial year concerned :

Provided that for the purposes of these allotments the consumption of motor spirit in Jammu and Kashmir shall be disregarded.

(2) The portion allotted to a Governor's Province shall be placed at the disposal of that Province in one or more instalments, as soon as the distribution can conveniently be made.

4. The balance to the credit of the Road Account or of any allotment thereof shall not lapse at the end of the financial year.

5. No expenditure shall be incurred from any portion of the Road Account save as hereinafter provided.

6. The Central reserve with the Governor General-in-Council shall be applied firstly to defraying the cost of administering the Road Development Account, and thereafter upon such schemes for research and intelligence and upon such special grants-in-aid as the Governor General-in-Council may approve.

7. (1) All allotments for expenditure in British India may, subject to the previous approval of the Governor General-in-Council to each proposal made, be expended upon any of the following objects, namely :

(i) on the construction of new roads and bridges of any sort;

(ii) on the reconstruction or substantial improvement of existing roads and bridges;

(iii) on the interest and amortization of loans taken after the date of this Resolution and spent on the construction, reconstruction or substantial improvement of roads and bridges;

(iv) in special cases, on the maintenance of roads and bridges, constructed, reconstructed or substantially improved from the Road Account since 1930;

(v) in special cases, on the maintenance of roads or bridges constructed, reconstructed or substantially improved from loan funds after the date of this Resolution.

(2) Where any part of a provincial allotment of the Road Account is to be applied for the payment of interest and amortization of loans under clause (iii) above, such payment shall be a first charge on all allotments to that Province.

8. In considering proposals for the construction, reconstruction or improvements of roads and bridges from the Road Account, the Governor General-in-Council shall bear in mind the present urgent need for improving the efficiency and reducing the cost of transport by road of agricultural produce to markets and railways.

9. The following special rules shall apply to Burma, namely :

(a) The portion of the Road Account allotted to Burma shall be further apportioned between the Shan States and the rest of Burma in the manner indicated in paragraph 3.

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- (b) Instead of the approval of the Governor General-in-Council to any proposal under paragraph 7, the approval of the Governor, after consultation with the Federal Council, shall be required for schemes in the Shan States, and the approval of the Local Government, with the concurrence of the Local Legislature, shall be required for schemes in the rest of Burma.
10. (1) A Standing Committee for Roads shall be constituted each financial year consisting of :
- (a) the Member of the Governor General's Executive Council in charge of the Department dealing with roads,
 - (b) two nominated official Members of whom one shall be a member of the Legislative Assembly,
 - (c) three members elected by the Members of the Council of State from amongst themselves, and
 - (d) six members elected by the Members of the Legislative Assembly from amongst themselves.
- (2) No approval to any proposal for expenditure from the Road Account shall be given by the Committee unless it is supported by :
- (i) a majority of the members present and voting who are Members of the Legislative Assembly, and
 - (ii) a majority of the members of the whole Committee present and voting.
- (3) All proposals for expenditure from the Central reserve and all other proposals for expenditure from the Road Account to be made in British India (excluding Burma) shall be referred by the Governor General-in-Council to the Standing Committee before he approves of them.
11. The functions of the Standing Committee shall be :
- (a) To consider the annual budget and accounts of the Road Account.
 - (b) To advise upon all proposals for expenditure from the Central reserve.
 - (c) To advise upon the desirability of all other proposals involving expenditure from the Road Account in British India (excluding Burma).
 - (d) To advise the Governor General-in-Council generally on all questions relating to roads and road traffic which the Governor General-in-Council, may refer to them."

The motion was adopted.

RETIREMENT OF THE HONOURABLE SIR BROJENDRA MITTER, LEADER OF THE HOUSE.

Mr. President (The Honourable Sir Shanmukham Chetty): Before adjourning the House, I would like to associate myself with my colleagues in offering my good wishes to the Honourable the Leader of the House on the occasion of his retirement in a few days. As President of the Assembly, I have probably come into more intimate contact with the Leader of the House than other Honourable Members, and I have felt that if the work of the House has gone on so smoothly, it is very greatly due to the charming personality and the great popularity of the Law Member in this House. It is indeed a matter for congratulation that when the time came for him to go into his well-earned rest and retirement, he has again answered the call of duty. It is a matter for congratulation that the Law Member's activities will be transferred to another equally important sphere. I think that this Session of the Assembly has been extremely partial to Bengal. It has given to Bengal half of the jute duty and the whole of the Law Member. Probably, Honourable Members coming from Bengal will object if I say that the House has made a gift to Bengal, because they would claim that both the jute duty and the Law Member by right belong to them. We hope that Bengal will use both

these rightly. I join my Honourable colleagues in wishing the Law Member very many years of useful activity and greater opportunities of public service. (Applause.)

The Honourable Sir Brojendra Mitter (Leader of the House): I am very grateful for the handsome terms in which reference has been made to me. This House has always been indulgent to me and my relation with Honourable Members opposite has been uniformly cordial. Their ready help and willing co-operation have been of the utmost value to the arrangement of business. Before I came to the Government of India, I had never taken an active part in politics and had no inside knowledge of the game. I now find the game to be quite exhilarating and have sometimes wished that I might try to find a seat on the Benches opposite. I went to the length of approaching my friend, Mr. Mitra, in search of a safe seat. My dream may yet be realised.

Sir, my intervention in the debates has necessarily been infrequent. Finance and Economics occupied the stage to such an extent that Law had little chance. Nevertheless, we have had our Legal field days. Fortunately for us, Law does not grope in the fog of theories and I thoroughly enjoyed the days when, in the ample display of legal talent, Finance and Economics took a back seat.

Sir, I take this opportunity to express my high appreciation of the good work done by the Whips of all Parties. The smooth working of our business is largely due to their unostentatious work behind the scenes. I am happy to say that all Parties have loyally carried out the arrangements reached by the Whips.

Sir, I must make some mention of the social side of Assembly life. Functions in the Assembly Gardens have come to be a feature of Delhi life where the utmost goodwill and good humour prevailed to soften the rigours of the long hours of strenuous eloquence.

The most intriguing part of the House is, however, the Lobby, where fancy soars high and speculation keeps excitement alive.

Sir, under your youthful guidance, the Assembly has had its thrill of night sittings and colourful galleries.

Should I have occasion during the coming Sessions to come to Delhi, I hope you will give me a Visitor's Pass without requiring an identification certificate. (Laughter.)

I thank all Honourable Members and wish them God-speed. (Cheers.)

The Assembly then adjourned *sine die*.



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— among the industrial staff of the Eastern Bengal Railway Press. 36.

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— of ministerial staff in the Army Headquarters. 33.

— of officials in the Punjab Postal Circle. 1299.

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Question *re*—

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Question *re* Duty on — for prayer purposes. 1629.

ROUTINE CLERK(S)—

See "Clerk(s)".

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Indian Finance Bill—

Motion to consider. 2416-18, 2419-28.

Motion to reduce Demand for "Railway Board" *re* Indianisation of the railway services. 1206-07.

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Resolution *re*—

Excise Duty on motor spirit for the purposes of road development. 4294-96, 4318.

Grievances of the travelling public on the Assam Bengal Railway. 290-96, 301-02.

ROY, RAI BAHADUR SUKHAJ—

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ROYAL FAMILY, EX—

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Employment in Government service of the members of the Delhi — residing in Lucknow. 1987.

Facilities for the education of the children of the members of the Delhi — residing in Lucknow. 1986.

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ROYAL FAMILY, EX—contd.

Question *re*—contd.

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— for recognition by Government of Associations formed by their employees. 2102-03.

— for recruitment of staff on State-managed Railways. 4257-58.

— for the promotion of passenger drivers to mail drivers on State Railways. 3174.

RULE(S)—contd.

Question re—contd.

- for the recruitment and training of subordinate staff on State Railways. 2097-98, 3112.
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- governing the promotion of the staff on the East Indian Railway. 542, 2188-89.
- in connection with appeals regarding pay and allowances on the East Indian Railway. 1726.
- regarding the submission of memorials on State Railways. 1726-27.
- regarding transfers of Assistant Postmasters General. 1729-30.
- regulating discharge and dismissal of the Madras and Southern Mahratta Railway. 3556-57.
- Staff classified as inferiors under the new leave — on State Railways. 916.
- Supply of —, relating to their duties, to the railway employees in the Moradabad Division of the East Indian Railway. 1071, 3827.
- Working of the staff Benefit Fund —. 917.
- re issue of visitors' tickets. 2581.
- Statement laid on the table re amendments made in the Ottawa Trade Agreement —, 1932, 2393-95.

RULING(S)—

Question re — issued by the Northern Command to the Cantonment authorities on various matters. 1625.

RULING(S), BY MR. DEPUTY PRESIDENT (MR. ABDUL MATIN CHAUDHURY)—

Miscellaneous—

- A ruling cannot be discussed 385.
- Honourable Members are not entitled to go into the details of the administrations of Indian States by giving concrete examples or to refer to the relation of His Majesty's Government with any of the Indian States. 383, 384, 386, 388.
- Honourable Members have got no right to criticise the decision of the House except on a motion for rescinding that decision. 2376.
- Mr. Marshal of the Assembly has no right to occupy a seat in the Chamber. 389.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR SHANMUKHAM GHETTY)—

Agenda—

The House must go through the — in the form it has been put down on the Order Paper. 661.

Amendment(s)—

- to Bills which seek to retain the *status quo* are in order. 2583.
- An — which enlarges the scope of a Resolution altogether is out of order. 3349.
- An —, which is substantially the same as the original Resolution, cannot be allowed to be moved. 3293.
- As the — of Rao Bahadur B. L. Patil seeks to enlarge the scope of the Resolution re Constitution of Malabar into a separate province and as the Honourable Member (Rao Bahadur B. L. Patil) wants to take the occasion to express an opinion by means of his — that Karnataka must be made a separate province, it is out of order. 3349.

If an amendment to substitute particular items for an item of the Schedule is carried, then other amendments to that item necessarily fall to the ground. 2648.

Bill—

- All amendments relating to an amending — must clearly be within the scope of the amending —. 2902.
- An amending — does not throw open for discussion or amendment the entire sections of the original Act which the — seeks to amend. 2902.
- An Honourable Member should not go into many details at the motion for consideration stage. 238.
- If a — is repugnant to any law made by any authority in British India or to any Act of Parliament, to that extent it will be void, but not otherwise. 97.
- If any suit, that has been instituted after the introduction of a — raises the principle involved in the —, that will not prevent this Legislature from considering that measure, because, if that contention were accepted, than any person, who felt aggrieved by a —, could simply file a suit in a court of law and thereby hold up all legislation. 95-96.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR SHAN- MUKHAM CHETTY)—contd.

Bill—contd.

If in certain exceptional cases the scope of an amending Bill is covered by certain sections of the original Act which are not specifically referred to in the amending —, it would be in order to move amendments for those relevant sections. 2902.

In the speeches on the third reading of a — it will not be open to Honourable Members again to re-open the principle underlying the —, and Honourable Members must confine themselves to the application of the principle as enunciated in the clauses of the —. That is all the scope of the third reading. 3887.

It cannot be said that because the amendments to a — have not been accepted, the principle of the — is unacceptable. It can be said that the clauses of the — do not carry out the scope as conceived. 3887.

It is open for any number of Honourable Members to ask for leave to introduce the same — if they choose to do so. 709.

There is nothing to prevent an Honourable Member from moving his motion at a later stage on another day. He does not need the concurrence of the Government Members. 704.

When Government come before the House with an amending — to extend the life of an existing Act which imposes a duty or levies taxation, the amount of that duty or taxation will also be open for discussion. 2902.

When the question that the — be taken into consideration is put to the Vote, it is open to the House to reject it, but that is a different thing from saying that the House has a right to discuss the whole principle of the — once again after the — comes back from the Select Committee. 3664.

Chair—

The — is a constant factor and it never changes. There is no difference between the person and the —. 2676.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR SHAN- MUKHAM CHETTY)—contd.

Closure—

If a — is applied for and persisted in, the Chair is bound to accept it. 2850.

Cut Motion(s)—

A — is not really the means by which an authoritative expression of opinion can be ascertained by means of a vote of this House, but it is to be done by an independent motion. 1195.

Correction or putting into proper place of — sent in by Honourable Members is not the concern of the Assembly Office. 1949.

If it is the intention of an Honourable Member to suggest amendments to an existing Act, then such a — will not be in order. 1951.

Demands for Supplementary Grants—

Discussion on — is restricted in its scope, and general questions of policy are not allowed to be discussed on —. 2954.

During the discussion of the —, an Honourable Member cannot discuss the question whether the Government were right in pursuing a particular policy which can however, be discussed during the Budget. 2910-11.

If an Honourable Member wants to oppose — on the ground that there is no money in the Exchequer of the Government of India he will be perfectly within his bounds in doing so; otherwise, he must confine himself to the subjects to which the motions relate. 2917.

Exhibits, Production of—

No exhibits will be allowed to be produced on the floor of the House. 850.

Indian States (Protection) Bill—

Internal administration of an Indian State should not be discussed; an Honourable Member should not refer to any individual State by name; the circumstances under which the Government of India sent Indian troops into a State may be discussed. 512, 513.

RULING(S) BY MR. PRESIDENT
(THE HONOURABLE SIR SHAN-
MUKHAM CHETTY)—contd.

Indian States (Protection) Bill—contd.

The House is not competent to decide either the constitutional or the legal relation between the British Crown and any Indian State and, consequently, the phrase, "which are under the suzerainty of His Majesty", in the — will make it operative only in those States which are under the suzerainty of His Majesty and that the passing of the — with this phrase will not confer any new right on the British Crown nor take away any existing rights from any Indian State or Prince. 3584.

Indian Tariff (Textile Protection) Amendment Bill—

Amendments to the Schedule of the — do not, as has been pointed out by Dr. Ziauddin Ahmad, raise a substantially identical issue already disposed of by this House, and, therefore, they are not out of order. 3760-61.

The primary scope and purpose of the — is to afford protection for certain industries. When the Indian Legislature agrees to give protection to a certain industry, it is entitled to say that the industry shall enjoy that protection only if, it satisfies certain conditions laid down by the House, and therefore, the amendment of Mr. K. P. Thampan is in order. 3859.

Interruptions—

— are allowed only to give personal explanations and not for the purpose of replying at every stage to the points raised by a speaker. 1124.

- If an allegation has been made against any Honourable Member, it is up to the Honourable Member to get up and, by way of personal explanation, to say that the allegation is not true. The Chair cannot allow in this House continuous — when an Honourable Member is on his legs. 3272.

It is not possible for the Chair to intervene when an Honourable Member readily gives way to another Honourable Member to interrupt him. 3449.

RULING(S) BY MR. PRESIDENT
(THE HONOURABLE SIR SHAN-
MUKHAM CHETTY)—contd.

Interruptions—contd.

Occasional — are certainly permissible, but if the — reach a point when the Honourable Member making the speech cannot proceed with his argument, then it is the duty of the Chair to protect the Honourable Member who is making his speech. 3276.

Miscellaneous—

A vote on the Matches (Excise Duty) Bill cannot be construed as expressing the opinion of the House on the merits of the question relating to the contribution to Bengal. 3196.

An Honourable Member should not claim to speak for a certain period simply because some other Honourable Members have spoken for that particular period. 2278.

An Honourable Member should not cross the speaker when he is on his legs. 756.

Honourable Members cannot make a speech in withdrawing a motion for adjournment. 150.

Honourable Members should not refer in disrespectful terms to people eminent in public life in the country. 2432.

Honourable Members should not refer to a matter which is *sub-judice*. 2854.

Honourable Members should send motions of amendments and other notices to the Assembly Office in a proper manner and not written on scraps of paper. 3423.

It is not necessary for the Government Member to answer every question that is asked. If there is any attack to be made on the Department, the attack should be against Honourable Members in this House who represent the Department and not against Officers who are not here. 1959-70.

It is not permissible to mention on the floor of the House any private conversations (Previous ruling reaffirmed.) 231.

It would not perhaps be proper that any motion should be postponed to a later hour in the day on the ground that an Honourable Member was not prepared for it. That will be setting a bad precedent and the Chair cannot allow it. 671.

**RULING(S) BY MR. PRESIDENT
(THE HONOURABLE SIR SHAN-
MUKHAM CHETTY)—contd.**

Miscellaneous—contd.

No Honourable Member can interfere unless the Honourable Member is in possession of the House gives way. 449.

Simply because one Honourable Member was allowed to make a statement during a discussion, that does not mean that the whole discussion can turn on that. 4223.

The Chair cannot compel the Government Member to reply. 2963.

The issue, whether the Imperial Bank can be authorised to lend money on the security of immovable property, being very much narrower, an Honourable Member should not widely discuss the much wider issue of the establishment of the Land Mortgage Banks. 348.

The proceedings of the House are in order even if the President takes his seat without the usual wig, as it is only a subsidiary matter. 3423.

Unless any Honourable Member has got any definite information, it is not proper to level a charge against anybody on the floor of the House. 4187.

When no Honourable Member gets up to speak and the Chair calls upon the Government Member to reply to the debate, it is not proper for another Honourable Member to get up and make a speech. 3832.

When the original question and amendments are proposed, the discussion proceeds both on the original motion and the amendments. 3793.

Motion(s) for Adjournment—

Only one — can be made in a day. 30.

Motion(s), withdrawal of—

So far as the question of any Member of the House refusing to give his consent to the — is concerned, it is the inherent right of every Member and that cannot be changed or altered by any agreement among the Parties or even by unanimous agreement among all the Members of the House. 1904.

**RULING(S) BY MR. PRESIDENT
(THE HONOURABLE SIR SHAN-
MUKHAM CHETTY)—contd.**

Personal Explanation(s)—

If an Honourable Member wants to make a — in the middle of a speech of another Honourable Member, the Member making the speech must give way, and if the Honourable Member does not give way, then the Honourable Member who wishes to make a — must wait until the Honourable Member who is speaking has finished his speech, and then he should ask the permission of the Chair to make any —. 3275, 3276.

Point of Order—

There can be no — when the question is being put. 2829.

Question(s)—

Statement in answer to a starred — may only be laid on the table and need not necessarily be read out. 793.

Honourable Members cannot make comments on answers to —. They may ask supplementary —, and not make comments. 461.

— containing inferences and arguments are out of order. 2175.

The Mover of a — cannot move an amendment to his own —. 833.

Right of moving an amendment for increasing the Duties—

So far as the technical point is concerned, a Non-Official Member cannot have a right to move in the Select Committee an amendment for increasing the duties; but the Select Committee offers an opportunity, where the discussion can be more informal across the table with the Government and Non-official Members, to have a chance of convincing the Government that an increased duty is necessary. 2352.

Select Committee(s)—

A motion to add to the proposed names for a — cannot be made unless it is unanimously accepted by the House. 2364.

A — of this House cannot have any information which cannot be disclosed to the House as a whole. 2251.

A — of the House cannot have greater powers than what the House itself enjoys under the Constitution. 2251.

All evidence tendered before a — should also be available to the House. 2251.

**RULING(S) BY MR. PRESIDENT
(THE HONOURABLE SIR SHAN-
MUKHAM CHETTY)—contd.**

Select Committee(s)—contd.

All materials placed by Govern-
ment before a — should be
available to the Members of the
House. 2251.

Each — should decide what rele-
vant documents and information,
which were available to them,
should necessarily be made avail-
able to all the Members of the
House, so that the discussion in
the House of the report of the
— may be complete. Such docu-
ments and information will be
printed and made available to the
Members of the House along with
the report of the —. 2251.

Government have the right to place
before a — only such papers and
records as they are prepared to
place before that —. 2251.

It is up to the — on each occa-
sion to decide what information
and what documents should neces-
sarily be made available to the
Members of the House. 4187.

Members of a — are at liberty to
refer on the floor of the House to
all documents and information
given to the —. A member
of a — cannot refer to remarks
made by other members of the
— during the course of the dis-
cussion in the — or to any
negotiations that took place
amongst the members in the course
of the sittings of the —. 2252.

Honourable Members should send
in their additional minutes or
minutes of dissent either typed
or written in ink on foolscap size
paper; otherwise the minutes will
not be accepted. 3495.

No document or report placed be-
fore a — should be published
until it has been presented to the
House. 2252.

*Sittings of all — should be private
and no strangers or representa-
tives of the Press can be admitted
to meetings of —. 2251.

The House has a right to examine
all the papers and records which
are made available to any —.
2251.

The — has the right of hearing
witnesses. 4218.

This House has not got the right
to compel either the Government
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